

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 16, 2004
Tuesday, 9:06 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Cathy Holdeman, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Schofield, City Clerk; present.

Rev. Richard Hanley, Inter-Faith Ministries, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of March 2, 2004, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS Proclamations were previously submitted.

AWARDS Associated General Contractors Annual State Building Awards.

Mayor Mayans recognized the recipients for the Associated General Contractors Annual State Building Awards.

RECOGNITION Mayor Mayans recognized the delegation that went to Reno to bring the ABC Tournament to the City of Wichita in 2011.

PUBLIC AGENDA

Chris Coulson Chris Coulson-A light for wheelchairs.

Mr. Coulson stated that he wanted to discuss visibility at night for the mobility impaired who use a wheelchair. Stated that in 2003, there were three wheelchairs that were hit by vehicles and one in January. Stated that he has spoken to the owner of Tom Sawyer Bike Shop and he said that there is a bike light that he would be willing to sell at a thousand count for \$4.00 a piece, which could be seen approximately a half a mile after dark. Mr. Coulson demonstrated the light that would be placed on a wheelchair.

UNFINISHED BUSINESS

2004-0225 HUD 2004-2005-HUD COMBINED ALLOCATIONS/ONE YEAR ACTION PLAN.
(DEFERRED MARCH 2, 2004)

Agenda Report No. 04-0164 A.

Council Member Schlapp declared a conflict of interest and abstained from discussion and voting on this Item.

Tom Smith Finance Department reviewed the Item.

On November 18, 2003, the City Council took action to establish its community priorities and designated funding for these priority programs and services provided/funded by the City. Based on prior

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City Council funding actions, applications were solicited for the undesignated funding and for Special Programming through a competitive Request for Proposals (RFP) process.

The Grants Review Committee, appointed by the City Council, held its public hearing on February 3, 2004 to provide an opportunity for interested persons to address the Committee regarding housing and community development needs. The Committee also received/heard requests for the undesignated HOME and ESG funding. The Grants Review Committee spent many hours in additional meetings reviewing applications and considering comments from the public.

The 2004/2005 combined HUD funding (estimated) for Wichita includes: (1) Community Development Block Grant (CDBG) – \$3,773,506 (\$3,464,000 in 2004 funds and \$309,506 in program income); (2) HOME Investments Partnership (HOME) - \$2,187,215 (\$1,936,372 in 2004 funds plus \$250,843 in 2003 and 2004 American Dream Downpayment Initiative (ADDI) funds); and (3) Emergency Shelter Grant (ESG) - \$129,856. As a result of its prior actions, the City Council has designated the following:

Source	Designated Funding	Undesignated	Funding Total
CDBG	\$3,297,950	\$475,556	\$3,773,506
HOME	\$1,592,056	\$595,159	\$2,187,215
ESG	\$6,493	\$123,363	\$129,856
Total	\$4,896,499	\$1,194,078	\$6,090,577

Community Development Block Grant

1. Neighborhood Stabilization

On November 18, 2003, the City Council designated \$241,538 for Neighborhood Stabilization. In addition to those funds there is \$309,506 in program income and the HUD allocation is \$166,050 more than the original estimate. Also the estimate for CDBG Indirect Cost has been reduced by \$4,401. These funds can be utilized either for community facilities/buildings or for deferred maintenance on eligible City-owned facilities. Based on input received from the Park and Public Works Departments, staff recommends the \$721,495 be utilized for park and public facilities improvements for eligible parks serving low and moderate-income areas.

2. Request for Proposals (RFP)

Based on prior Council actions, RFP's were solicited for specific programs. A Staff Screening and Selection Committee have reviewed the proposals received for the following program categories: Women's Services; Youth Recreation/Enrichment; and Summer Youth Employment.

In addition, approval of the recommendations under the Community Development Block Grant (CDBG) program would specifically address Inner-City Redevelopment Incentives in the following areas:

Emergency Home Repair Program	\$400,000
Paint Grant Program	\$100,000
Exterior Repair Program	\$100,000
Secondary Structure Demolition	\$ 15,000
Neighborhood Clean-Up	\$ 50,000
Total	\$665,000

HOME Investment Funds

1. Undesignated CHDO Funding

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The Grants Review Committee and staff have provided funding recommendations for undesignated Community Housing Development Organization (CHDO) funding. These recommendations include funding support for Community Housing Services for the acquisition and rehabilitation of one single-family home in the Northeast Local Investment Area; Mennonite Housing Rehabilitation Services for rehabilitation or new construction of five homes in one of the six Local Investment Areas; Power CDC for the construction of four homes in the Northeast Local Investment Area; and Wichita Indochinese Center to construct one single-family house in the Planeview Local Investment Area. All homes will be sold to income qualified, first-time homeowners.

2. Reduced Funding

The base allocation for the 2004/2005 HOME grant from HUD is now \$5,684 less than originally anticipated. The original projected amount (and the amount designated by the City Council) was \$1,942,056 and the revised allocation is \$1,936,372. Due to the reduction in funding, staff suggests that the HOME Operating Funds for CHDOs be reduced to \$96,550, HOMEownership 80 Program be reduced to \$479,095 and the Housing Development Loan Program be increased to \$305,583.

3. American Dream Downpayment Initiative (ADDI)

HUD has allocated a total of \$250,843 for participation in the American Dream Downpayment Initiative (ADDI). This funding is designated by HUD to be utilized to provide downpayment and closing cost assistance grants to low and moderate-income persons entering into homeownership. The 2003 ADDI funds can be utilized compute the HOME Administration amount. The total funding for HOME Administration is increased to \$205,144.

Emergency Shelter Grants

1. Undesignated Funding

Staff supports the recommendation of the Grants Review Committee for ESG undesignated funding. The Grants Review Committee was aware of the Community Council on Homeless Advocacy priorities and proposed funding needs.

2. Reduced Funding

The projected 2004/2005 ESG grant from HUD is now estimated to be approximately \$1,144 less than originally anticipated. The projected amount (and the amount designated by the City Council) was \$131,000 and the revised estimate is \$129,856. Staff suggests reducing the funding for all ESG projects.

The final 2004/2005 CDBG allocation increased by \$166,050 from the original projection. The final HOME allocation decreased by \$5,684 and increased by \$250,843 in ADDI funds for a net increase of \$245,159. Total Emergency Shelter Grant funds decreased by \$1,144. The total proposed allocation for the 2004/2005 HUD Combined Allocations and the One-Year Action Plan is \$6,090,577 (including prior year funds), of which \$4,896,499 has been previously determined (as designated priorities) by the City Council for priority programs/services. These allocations will be effective July 1, 2004.

Each grant program is restricted to certain federal allocation limits, which cannot be exceeded; however, these allocations can be less. In 2004/2005, these restricted limits (by grant) are as follows:

CDBG	\$1,163,310	Public Services
	\$692,800	Planning and Administration
HOME Funds	\$290,456	Neighborhood-Based Non-Profits (CHDOs)
(Minimum)	\$205,144	Administration

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Emergency Shelter Funds \$38,957
\$38,957
\$6,493

Essential Service
Homeless Prevention
Administration

The national objectives of the Community Development Act are to principally benefit low/moderate income persons, eliminate slum and blight, or meet other urgent community needs. The HOME program also must primarily benefit low/moderate income persons and the Emergency Shelter program must benefit homeless persons. Allocation of Consolidated Plan funds is also subject to individual federal eligibility rules regarding specific activities/programs and national objectives of primarily benefiting low-income persons or addressing conditions of slum/blight. The process by which grant funds are authorized by the City Council is a matter of local determination, providing all HUD eligibility requirements are met.

The City Council has the authority to solicit proposals or to reserve grant funds for community priority needs and programs, as determined by the City Council. The City has met all federal requirements in the allocation of funds. Prior to final allocations and payments, each project must be verified for eligibility for use of the respective grant funds. Subsequent to the allocation of funds, staff will prepare a One-Year Action Plan of activities to be funded. The One-Year Action Plan will be presented to City Council and will be made available for a required thirty (30) day public review/comment period prior to final approval.

Motion--

Fearey moved that the funding allocations for the City's 2004/2005 HUD Consolidated Plan Combined Application, based upon recommended funding amounts, be approved; use and allocations for \$721,495 CDBG Neighborhood Stabilization funding, as recommended, be designated; the Request for Proposal services/programs, as recommended, be approved; the use of ADDI funds and the reductions in HOMEownership 80 and HOME Operating Funds for CHDOs programs and the increase in the Housing Development Loan Program, as recommended, be approved; the increased amount in HOME Administration be approved; Grants Review Committee's recommendations on HOME CHDO funding be approved; Grants Review Committee's recommendations on Emergency Shelter Grant funding be approved; and preparation of the One-Year Action Plan be authorized. Motion carried 6 to 1. (Schlapp abstained due to conflict of interest)

--carried

CONDEMNATION

REPAIR OR REMOVAL OF UNSAFE STRUCTURES, 4460 EAST BOSTON. (DISTRICT III) **(DEFERRED JANUARY 6, 2004)**

Agenda Report No. 04-0003A

Kurt Schroeder

Director of Central Inspection reviewed the Item.

This property was before the Board of Code Standards and Appeals (BCSA) on November 3, 2003. No repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

The case was before Council on January 6, 2004. Gay Quisenberry, representing the new owner, Hilltop Improvement Alliance, was present. Council voted to defer action on this property for 60 days, to give the new owner enough time to finalize the sale of the property.

There has been no change to the structure. It is secure. There is some bulky waste on the premises. Staff talked to Gay Quisenberry and Hilltop Improvement Alliance has not been successful in finding a buyer for the property yet.

The 2003 taxes are delinquent in the amount of \$189.18.

The owner has been notified of the date and time of this hearing.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

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Council Member Lambke Council Member Lambke stated that he drove by this property and that it is not as clean as it looks on the video. Stated that he has reservations regarding an extension and that the taxes are delinquent. Stated that there has been no effort to improve the property and that they have already been granted a 60 day extension.

Motion-- Lambke moved to proceed with the condemnation and that the Resolution be adopted. Motion carried
-- carried 7 to 0.

RESOLUTION NO. 04-105

Resolution finding that the structure described as: Lot 43, Block D, Hilltop Manor Subdivision, a Replat of part of Hilltop Manor and Hilltop Manor Second Addition, being a Subdivision in Section 26, Township 27 South, Range 1 east of the 6th P.M. to the city of Wichita, Kansas, Sedgwick County, Kansas known as 4460 East Boston, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Lambke moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CONDEMNATION REPAIR OR REMOVAL OF UNSAFE STRUCTURES, 3054 NORTH PARK PLACE. (DISTRICT VI) (DEFERRED JANUARY 13, 2004)

Agenda Report No. 04-0029A

Kurt Schroeder Director of Central Inspection reviewed the Item.

This property was before the Board of Code Standards and Appeals (BCSA) on June 2, 2003. No repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

The case was before Council on September 16, 2003. The owner, Juvenal Fernandez, was present to represent the property and Council adopted a resolution allowing seven days to pay the taxes and special assessments and if done, an additional 60 days to complete demolition or repair of the basement structure.

On January 13, 2004 this case came back before the Council at the request of Vice-Mayor Fearey. At that hearing, staff presented a work plan submitted by Mr. Fernandez. Council voted to allow the owner 60 days from the date of the hearing to complete the work outlined in the plan, provided that City Council Policy 33 was complied with within 14 days. Staff was directed to report back to Council in 60 days with a status report.

Mr. Fernandez paid the condemnation fees and a refundable cash deposit for half the estimated cost of the demolition, in compliance with Policy 33. The old flooring has been removed from the basement. The basement is open, but the lot is fenced. There is a small amount of debris and some stacked used lumber on the lot.

The 2003 taxes are delinquent in the amount of \$631.53.

The owner has been notified of the date and time of this hearing.

Kurt Schroeder Kurt Schroeder stated that he spoke to the property owner and was told that within 30 days he could have it framed up with walls and trusses on the roof, the roof decking and weathered in. Stated that he did put up a deposit, which was required, which is half the amount of the demolition and is in escrow.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Council Member Fearey Council Member Fearey asked if the taxes were paid.

Kurt Schroeder Kurt Schroeder stated that they were paid up to date.

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Council Member Fearey Council Member Fearey stated that she drove by this property on Sunday and that the property owner is working on this property and when it is completed it will be a nice addition to the neighborhood and add value to the neighborhood.

Motion-- Fearey moved that a 30 day extension be granted to allow for the conditions to be completed that were mentioned earlier by Kurt Schroeder; and that the Resolution be adopted. Motion carried 7 to 0.
--carried

RESOLUTION NO. 04-106

Resolution finding that the structure described as: Lots 1-2, Block 27, Jones Park Addition to Wichita, Sedgwick County, Kansas, commonly known as 3054 North Park Pl., Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, introduced and under the rules laid over. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

PAVING PROJECT PUBLIC HEARING ON PROPOSED ASSESSMENT FOR 28 PAVING PROJECTS, ITEMS K, IN JULY 2004 BOND SALES SERIES 778. (DEFERRED MARCH 2, 2004)

Agenda Report No. 04-0163 A.

Jim Armour Acting City Engineer reviewed the Item.

The Council was notified on February 3, 2004 that the proposed assessment rolls were on file for public inspection in the Debt Management Office of the Finance Department.

Notice of hearing was published February 6, 2004 being not less than ten days prior to the date of hearing. Property owners have been notified in writing. City personnel held an informal hearing February 23, 2004 at 11:00 a.m. for the paving projects.

Financial Considerations: Statements of Special Assessment will be mailed to the property owners on March 19, 2004. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the July 2004 Bond Sale. The interest added to the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread over 15-years and placed on the 2004 tax roll.

These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. as amended. All were 100% petitions with the exception of:

Paving Projects

472-83482	80.29% Petition	Improving Lakeview Dr., Cactus & Cactus Ct.
472-83529	52.40% Petition	Improving Kessler
472-83530	54.60% Petition	Improving Hoover

Recommendation/Action: It is recommended that the City Council close the Public Hearing, approve the proposed assessment and place the ordinance on first reading.

HEARING ON PROPOSED ASSESSMENTS FOR IMPROVING PAVING PROJECTS

PAVING PROJECT:

- k. (472-83530/490-848) - IMPROVING HOOVER, TO SERVE FRUITVALE PARK & UP TRACTS IN SEC 22, TWP 27S, T1W, as authorized by Resolution No. R-02-232, adopted May 14, 2002, and published May 18, 2002. Petition for this improvement was signed by owners representing 54.60% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$104,901.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

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Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the proposed assessment be approved and the ordinance placed on first reading.
Motion carried 7 to 0.

ORDINANCE

(472-83530/490-848)- An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving HOOVER, TO SERVE FRUITVALE PARK & UP TRACTS IN SEC 22, TWP 27S, T1W, introduced and under the rules laid over.

WATER WELL

WATER WELL CODE REVISION-CHAPTER 7.30.

(Deferred December 16, 2003)

Agenda Report No. 03-1307A.

Kay Johnson

Environmental Compliance Manager.

In 1991 the City Council adopted a local water well code to protect citizens from improperly installed water wells and exposure to unsanitary conditions associated with drinking water from ground water sources. The primary reason for the adoption was to protect public health from ground water contamination. The current code requires inspection of a well after installation. Since adoption of the water well code numerous groundwater contamination sites have been identified involving water wells. This post-installation inspection process has not prevented water well installations for drinking purposes in ground water contamination areas. Staff recommends that the current ordinance be amended to allow for a well permitting process to occur prior to installation. The ordinance was supported by all of the District Advisory Boards (DABs), the staff Development Coordinating Committee and presented it to the Council on December 16, 2003. Council action at that time was for staff to appoint an ad hoc committee to review the ordinance with representation from well drilling contractors, Wichita Area Builders Association, Kansas Department of Health and Environment, the Citizens Technical Review Committee for Gilbert and Mosley and staff from Environmental Health and the Water Department.

Based on three meetings with discussion and recommendations from the Ad Hoc water well committee, staff is proposing amendments and fees to the existing ordinance including:

- New provision for annual registration of water well drillers doing business in the City of Wichita-\$25/driller,
- New provision to allow for permit process for on well location approval to occur prior to installation - \$25/well installation,
- Clarification of well type and applicability, and
- New Appeal process for issues arising from Department decisions.

The proposed ordinance will generate approximately \$250 in revenue for well driller installation registration and approximately \$15,000 in revenue for well permits.

The Department of Law has reviewed the proposed code revision and will draft the implementing ordinance.

Council Member Lambke

Council Member Lambke inquired about a permit being issued, a well being drilled and the water turns out to be contaminated.

Kay Johnson

Kay Johnson explained that an application is filled out and they are advised where the location is so that they can check to see whether it is in a known contamination area and whether it is to be a personal use well or for irrigation. Stated that for lawn watering, if it is slightly contaminated that is generally not a problem because the individual is not drinking the water. Stated that their main concerns are situations where the well is to be used for human consumption.

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Council Member Lambke Council Member Lambke asked if there are different requirements for a drinking well.

Kay Johnson Kay Johnson stated that the construction would be the same but the sampling requirements are different.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the ordinance amending Chapter 7.30 be placed on first reading.. Motion carried
-- carried 6 to 1. (Lambke-no).

ORDINANCE

An Ordinance amending Sections 7.30.010, 7.30.020, 7.30.030, 7.30.040 and 7.30.050 and enacting Sections 7.30.61, 7.30.062 and 7.30.063 of the Code of the City of Wichita, Kansas pertaining to water wells, introduced and under the rules laid over.

NEW BUSINESS

PROPOSED ASSESS. PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR (31) THIRTY-ONE WATER PROJECTS, (36) THIRTY-SIX SEWER PROJECTS AND (10) TEN STORM WATER PROJECTS IN JULY 2004 BOND SALE SERIES 778.

Agenda Report No. 04-0228

Jim Armour Acting City Engineer reviewed the Item.

The Council was notified on February 10, 2004 that the proposed assessment rolls were on file for public inspection in the Debt Management Office of the Finance Department.

Notice of hearing was published February 13, 2004 being not less than ten days prior to the date of hearing. Property owners have been notified in writing. City personnel held an informal hearing March 1, 2004 at 11:00 a.m. for the water and sewer projects.

Statements of Special Assessment will be mailed to the property owners on April 9, 2004. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the July 2004 Bond Sale. The interest added to the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread over 15-years and placed on the 2004 tax roll.

These projects were initiated pursuant to provisions of K. S. A. 12-6a01 et seq. as amended. All were 100% petitions.

HEARING ON PROPOSED ASSESSMENTS FOR CONSTRUCTION OF WATER, SEWER, AND STORM WATER PROJECTS:

On February 10, 2004, the Council was notified that the Proposed Assessment Rolls for construction of the following water & sewer projects has been prepared and were on file in the office of Debt Management in the Finance Department for public inspection:

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WATER PROJECTS:

a) (470-762/448-88759) Construction of Water Distribution System No. 448-88759 TO SERVE WHITE TAIL, South of 13th, West of 127th Street East, as authorized by Resolution R-93-478, amended by Resolution No. R-03-009, adopted November 30, 1993, & January 7, 2003, and published December 3, 1993, corrected & republished June 10, 2003 & amended & republished January 11, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$117,327.00 is to be apportioned 31.9% payable by the improvement district & 68.1% of the total cost payable by the Water Utility Fund to the improvement district. The cost has been assessed on a fractional basis.

b) (470-728/448-89292) Construction of Water Distribution System No. 448-89292 TO SERVE SKYWAY INDUSTRIAL PARK & DUGAN INDUSTRIAL 2ND & 3RD ADDITIONS, East & West of Tyler Road, South of 31st Street South, as authorized by Resolution R-98-297, adopted July 14, 1998, and published July 17, 1998, corrected & republished October 19, 2002, corrected & republished December 12, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$326,259.00 is to be apportioned 50% payable by the improvement district & 50% of the total cost payable by the Water Utility Fund to the improvement district. The cost has been assessed on a square foot basis.

c) (470-765/448-89569) Construction of Water Distribution System No. 448-89569 TO SERVE REMINGTON PLACE ADDITION & UNPLATTED TRACT, East of Webb, South of 21st Street North, as authorized by Resolution R-01-150, adopted April 24, 2001, and published April 28, 2001. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$126,428.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

d) (470-766/448-89570) Construction of Water Distribution System No. 448-89570 TO SERVE REMINGTON PLACE ADDITION, East of Webb, South of 21st Street North, as authorized by Resolution R-01-151, adopted April 24, 2001, and published April 28, 2001, corrected & republished December 20, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$35,013.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

e) (470-791/448-89636) Construction of Water Distribution System No. 448-89636 TO SERVE BRENTWOOD SOUTH ADDITION, East of Webb Road, North of Pawnee, as authorized by Resolution R-02-033, rescinded by Resolution No. R-03-125, adopted January 15, 2002 & March 18, 2003, and published January 19, 2002, & March 22, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$51,640.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

f) (470-801/448-89647) Construction of Water Distribution System No. 448-89647 TO SERVE PINE MEADOW ADDITION, East of Greenwich, South of 13th Street, as authorized by Resolution R-02-011, adopted January 8, 2002, and published January 12, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$61,681.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

g) 470-783/448-89650) Construction of Water Distribution System No. 448-89650 TO SERVE EAGLES LANDING AT NORTH OLIVER 2ND ADDITION, South of 45th Street North, West of Oliver, as authorized by Resolution R-02-049, adopted January 15, 2002, and published January 19, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$50,082.00 is to be

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apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

h) (470-761/448-89655) Construction of Water Distribution System No. 448-89655 TO SERVE BALTHROP 4TH ADDITION, North of Central, West of K-96, as authorized by Resolution R-02-026, adopted January 15, 2002, and published January 19, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$47,168.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

i) (470-794/448-89667) Construction of Water Distribution System No. 448-89667 TO SERVE SMITHMOOR 10TH ADDITION, North of Pawnee, West of Greenwich, as authorized by Resolution R-02-127, adopted March 5, 2002, and published March 9, 2002, corrected & republished July 29, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$47,755.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

j) (470-729/448-89673) Construction of Water Distribution System No. 448-89673 TO SERVE MID-CONTINENT INDUSTRIAL PARK I & II, South of K-42 Highway, East of Maize Road, as authorized by Resolution R-02-147, adopted March 19, 2002, and published March 23, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$259,728.00 is to be apportioned 72% payable by the improvement district & 28% of the total cost payable by the Water Utility Fund to the improvement district. The cost has been assessed on a square foot basis.

k) (470-753/448-89712) Construction of Water Distribution System No. 448-89712 TO SERVE SAWMILL CREEK ADDITION, East of Rock Road, North of 45th Street North, as authorized by Resolution R-02-404, adopted September 10, 2002, and published September 14, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$56,292.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

l) (470-779/448-89726) Construction of Water Distribution System No. 448-89726 TO SERVE THE EXECUTIVE AT WHITE TAIL ADDITION, South of 13th, East of K-96 Expressway, as authorized by Resolution R-03-010, adopted January 7, 2003, and published January 11, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$34,560.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

m) (470-775/448-89738) Construction of Water Distribution System No. 448-89738 TO SERVE TARA FALLS ADDITION, South of Harry, East of Greenwich, as authorized by Resolution R-02-459 adopted October 22, 2002, and published October 26, 2002, corrected & republished November 7, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$59,674.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

n) (470-773/448-89747) Construction of Water Distribution System No. 448-89747 TO SERVE LIBERTY PARK 2ND, South of 13th, East of 135th Street West, as authorized by Resolution R-02-528, rescinded by Resolution No. R-03-603, adopted December 10, 2002 & November 18, 2003, and published Dec.14, 2002 & Nov. 21, 2003, corrected & republished Jan. 7, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$73,117.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

o) (470-767/448-89754) Construction of Water Distribution System No. 448-89754 TO SERVE WEST LYNN 2ND ADDITION, North of 13th, West of West Street, as authorized by Resolution R-

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02-520, adopted December 10, 2002, and published December 14, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$31,549.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

p) (470-774/448-89755) Construction of Water Distribution System No. 448-89755 TO SERVE COPPER GATE ESTATES, South of 13th, West of 135th Street West, as authorized by Resolution R-02-544, adopted December 10, 2002, and published December 14, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$83,864.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

q) (470-768/448-89758) Construction of Water Distribution System No. 448-89758 TO SERVE WHISPERING LAKES ESTATES, South of Harry, East of 143rd Street East, as authorized by Resolution R-02-566, adopted December 17, 2002, and published December 21, 2002, corrected & republished January 14, 2003 & November 24, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$47,290.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

r) (470-788/448-89763) Construction of Water Distribution System No. 448-89763 TO SERVE REMINGTON PLACE 2ND ADDITION, South of 21st, East of Webb, as authorized by Resolution R-03-024, adopted January 7, 2003, and published January 11, 2003, corrected & republished March 18, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$19,870.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

s) (470-769/448-89764) Construction of Water Distribution System No. 448-89764 TO SERVE REED'S COVE & REED'S COVE 2ND ADDITIONS, South of 21st, East of 127th Street East, as authorized by Resolution R-03-005, rescinded by Resolution No. R-03-387, adopted January 7, 2003, & July 15, 2003, and published January 11, 2003, & July 18, 2003, corrected & republished November 10, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$120,692.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

t) (470-784/448-89767) Construction of Water Distribution System No. 448-89767 TO SERVE FALCON FALLS ADDITION, South of 53rd Street North, West of Hillside, as authorized by Resolution R-03-026, adopted January 7, 2003, and published January 11, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$98,849.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

u) (470-778/448-89771) Construction of Water Distribution System No. 448-89771 TO SERVE TYLER'S LANDING ADDITION, South of 37th Street North, East of Tyler, as authorized by Resolution R-03-020, adopted January 7, 2003, and published January 11, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$74,156.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

v) (470-792/448-89772) Construction of Water Distribution System No. 448-89772 TO SERVE TYLER'S LANDING ADDITION, South of 37th Street North, East of Tyler, as authorized by Resolution R-03-051, adopted February 4, 2003, and published February 8, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$49,833.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

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w) (470-790/448-89784) Construction of Water Distribution System No. 448-89784 TO SERVE IRONHORSE AT OXFORD ADDITION, West of Woodlawn, South of 29th Street North, as authorized by Resolution R-03-147, adopted March 18, 2003, and published March 22, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$65,258.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

x) (470-798/448-89785) Construction of Water Distribution System No. 448-89785 TO SERVE WOODLAND LAKES ESTATES 3RD ADDITION, South of Lincoln, West of 127th Street East, as authorized by Resolution R-03-130, adopted March 18, 2003, and published April 4, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$103,664.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

y) (470-785/448-89790) Construction of Water Distribution System No. 448-89790 TO SERVE R. A. MORRIS TRACTS, North of Central, East of Hoover, as authorized by Resolution R-03-042, adopted February 4, 2003, and published February 8, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$6,155.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

z) (470-796/448-89820) Construction of Water Distribution System No. 448-89820 TO SERVE REED'S COVE ADDITION, South of 21st, East of 127th Street East, as authorized by Resolution R-03-207, adopted May 6, 2003, and published May 9, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$23,915.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

aa) (470-797/448-89821) Construction of Water Distribution System No. 448-89821 TO SERVE REED'S COVE ADDITION, South of 21st, East of 127th Street East, as authorized by Resolution R-03-208, adopted May 6, 2003, and published May 9, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$22,702.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

bb) (470-800/448-89825) Construction of Water Distribution System No. 448-89825 TO SERVE RIDGE PORT & RIDGE PORT 3RD ADDITIONS, East of Ridge, North of 29th Street North, as authorized by Resolution R-03-232, adopted May 13, 2003, and published May 16, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$56,944.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

cc) (470-802/448-89840) Construction of Water Distribution System No. 448-89840 TO SERVE SHELLY'S ORCHARD ADDITION, East of Maize, North of Pawnee, as authorized by Resolution R-03-271, adopted June 3, 2003, and published June 6, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$39,147.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

dd) (470-805/448-89844) Construction of Water Distribution System No. 448-89844 TO SERVE LESTER TURLEY ADDITION, West of Meridian, South of 19th Street North, as authorized by Resolution R-03-282, adopted June 10, 2003, and published June 13, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$2,249.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

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ee) (470-806/448-89846) Construction of Water Distribution System No. 448-89846 TO SERVE REGENCY PARK ADDITION, North of 21st, West of Greenwich Road, as authorized by Resolution R-03-316, adopted June 17, 2003, and published June 20, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$27,520.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

SEWER PROJECTS:

ff) (480-690/468-83229) Construction of LATERAL 6, MAIN 8, SOUTHWEST INTERCEPTOR SEWER, West of Tyler Road, South of Maple, as authorized by Resolution R-01-125, adopted March 27, 2001, and published April 2, 2001. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$7,160.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

gg) (480-646/468-83247) Construction of LATERAL 35, MAIN 24, WAR INDUSTRIES SEWER, East of Webb Road, South of 21st Street North, as authorized by Resolution R-01-155, adopted April 24, 2001, and published April 28, 2001, corrected & republished 16, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$110,759.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

hh) (480-647/468-83248) Construction of LATERAL 36, MAIN 24, WAR INDUSTRIES SEWER, East of Webb Road, South of 21st Street North, as authorized by Resolution R-01-156, adopted April 24, 2001, and published April 28, 2001. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$75,810.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

ii) (480-617/468-83262) Construction of MAIN 13, PART B, SANITARY SEWER #23, East of Hydraulic, North of 37th Street North, as authorized by Resolution R-02-286, adopted June 18, 2002, and published June 22, 2002, corrected & republished July 1, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$202,546.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

jj) (480-669/468-83354) Construction of LATERAL 320, FOUR MILE CREEK SEWER, East of Webb Road, North of Pawnee, as authorized by Resolution R-02-036, rescinded by Resolution No. R-03-126, adopted January 15, 2002 & March 18, 2003, and published January 19, 2002, & March 22, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$104,939.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

kk) (480-677/468-83376) Construction of LATERAL 325, FOUR MILE CREEK SEWER, East of Greenwich, South of 13th, as authorized by Resolution R-02-012, adopted January 8, 2002, and published January 12, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$132,031.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

ll) (480-644/468-83391) Construction of LATERAL 328, FOUR MILE CREEK SEWER, North of Central, West of K-96, as authorized by Resolution R-02-028, adopted January 15, 2002, and published January 19, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$82,439.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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mm) (480-599/468-83395) Construction of LATERAL 329, FOUR MILE CREEK SEWER, North of Central, West of Greenwich Road, as authorized by Resolution R-02-083, adopted February 5, 2002, and published February 9, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$86,888.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

nn) (480-616/468-83440) Construction of MAIN 13, PART A, SANITARY SEWER #23, West of Hillside, South of 53rd Street North, as authorized by Resolution R-02-227, adopted May 7, 2002, and published May 11, 2002, corrected & republished November 7, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$65,598.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

oo) (480-619/468-83455) Construction of MAIN 13, PART D, SANITARY SEWER #23, East of Hydraulic, North of 37th St. North, as authorized by Resolution R-02-288, adopted June 18, 2002, and published June 22, 2002, corrected & republished July 1, 2002 & January 9, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$9,789.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

pp) (480-620/468-83457) Construction of MAIN 13, PART E, SANITARY SEWER #23, East of Hydraulic, North of 37th St. North, as authorized by Resolution R-02-289, adopted June 18, 2002, and published June 22, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$125,141.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

qq) (480-621/468-83458) Construction of MAIN 13, PART F, SANITARY SEWER #23, East of Hydraulic, North of 37th St. North, as authorized by Resolution R-02-290, adopted June 18, 2002, and published June 22, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$706.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

rr) (480-630/468-83459) Construction of LATERAL 2, MAIN 13, SANITARY SEWER #23, East of Hillside, South of 53rd St. North, as authorized by Resolution R-02-353, adopted August 6, 2002, and published August 10, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$3,096.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

ss) (480-645/468-83504) Construction of LATERAL 488, SOUTHWEST INTERCEPTOR SEWER, West of 119th Street West, North of Central, as authorized by Resolution R-02-500, adopted November 19, 2002, and published November 25, 2002, corrected and republished January 16, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$18,227.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

tt) (480-661/468-83523) Construction of LATERAL 339, FOUR MILE CREEK SEWER, South of 13th, East of K-96 Expressway, as authorized by Resolution R-03-012, adopted January 7, 2003, and published January 11, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$22,959.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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uu) (480-657/468-83528) Construction of LATERAL 1, MAIN 5, NORTHWEST INTERCEPTOR SEWER, North & South of 13th, East of 135th Street West, as authorized by Resolution R-02-517, rescinded by Resolution No. R-03-606, adopted November 19, 2002 & November 18, 2003, and published November 25, 2002 & November 21, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$210,276.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

vv) (480-655/468-83532) Construction of LATERAL 4, MAIN 5, NORTHWEST INTERCEPTOR SEWER, South of 13th, West of 135th Street West, as authorized by Resolution R-02-547, adopted December 10, 2002, and published December 14, 2002, corrected & republished April 18, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$217,356.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

ww) (480-652/468-83535) Construction of LATERAL 3, MAIN 13, SANITARY SEWER #23, South of 53rd Street North, West of Hillside, as authorized by Resolution R-02-564, amended by Resolution No. R-03-200, adopted December 10, 2002, May 6, 2003, and published December 14, 2002, May 9, 2003, corrected & republished June 13, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$210,969.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

xx) (480-648/468-83538) Construction of LATERAL 342, FOUR MILE CREEK SEWER, South of Harry, East of 143rd Street East, as authorized by Resolution R-02-567, amended by Resolution No. R-03-160, adopted December 17, 2002 & April 1, 2003, and published December 21, 2002 & April 7, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$295,315.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

yy) (480-653/468-83548) Construction of LATERAL 32, COWSKIN INTERCEPTOR SEWER, South of Pawnee, West of Maize, as authorized by Resolution R-02-582, adopted December 17, 2002, and published December 21, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$317,147.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

zz) (480-662/468-83553) Construction of LATERAL 40, MAIN 24, WAR INDUSTRIES SEWER, North of 13th, East of Webb, as authorized by Resolution R-03-015, adopted January 7, 2003, and published January 11, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$161,392.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

aaa) (480-666/468-83554) Construction of LATERAL 41, MAIN 24, WAR INDUSTRIES SEWER, South of 21st, East of Webb, as authorized by Resolution R-03-025, adopted January 7, 2003, and published January 11, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$42,616.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

bbb) 480-663/468-83556) Construction of LATERAL 157, WAR INDUSTRIES SEWER, East of Hillside, South of Pawnee, as authorized by Resolution R-02-559, adopted December 10, 2002, and published December 14, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$40,942.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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ccc) (480-658/468-83572) Construction of LATERAL 40, DISTRICT T, SANITARY SEWER #12, North of 25th Street North, West of Grove, as authorized by Resolution R-02-586, adopted December 17, 2002, and published December 21, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$70,477.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

ddd) (480-668/468-83575) Construction of LATERAL 73, MAIN 5, SANITARY SEWER #23, West of Woodlawn, South of 29th Street North, as authorized by Resolution R-03-148, adopted March 18, 2003, and published March 22, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$139,583.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

eee) (480-659/468-83577) Construction of LATERAL 490, SOUTHWEST INTERCEPTOR SEWER, South of 37th Street North, East of Tyler, as authorized by Resolution R-03-021, adopted January 7, 2003, and published January 11, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$340,610.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

fff) (480-674/468-83588) Construction of LATERAL 345, FOUR MILE CREEK SEWER, South of Lincoln, West of 127th Street East, as authorized by Resolution R-03-135, adopted March 18, 2003, and published April 4, 2003, corrected & republished November 7, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$315,094.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

ggg) (480-670/468-83595) Construction of LATERAL 34, COWSKIN INTERCEPTOR SEWER, West of 135th Street West, North of Maple, as authorized by Resolution R-03-081, adopted February 11, 2003, and published February 15, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$250,131.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

hhh) (480-671/468-83603) Construction of LATERAL 142, MAIN 4, SANITARY SEWER #23, North of 33rd Street North, West of Fairview, as authorized by Resolution R-03-121, adopted March 18, 2003, and published March 22, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$14,620.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

iii) (480-676/468-83612) Construction of LATERAL 350, FOUR MILE CREEK SEWER, West of 143rd Street East, South of Kellogg, as authorized by Resolution R-03-222, adopted May 6, 2003, and published May 9, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$110,055.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

jjj) (480-679/468-83618) Construction of MAIN 6, PART B, NORTHWEST INTERCEPTOR SEWER, South of 29th Street North, West of Maize Road, as authorized by Resolution R-03-229, adopted May 13, 2003, and published May 16, 2003, corrected & republished June 16, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$8,397.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

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kkk) (480-673/468-83621) Construction of LATERAL 4, MAIN 14, FOUR MILE CREEK, South of 21st, East of 127th Street East, as authorized by Resolution R-03-210, adopted May 6, 2003, and published May 9, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$148,686.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

lll) (480-680/468-83632) Construction of MAIN 6, PART A, NORTHWEST INTERCEPTOR SEWER, North of 29th Street North, East of Maize Road, as authorized by Resolution R-03-230, adopted May 13, 2003, and published May 16, 2003, corrected & republished October 30, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$8,296.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

mmm) (480-681/468-83633) Construction of MAIN 6, PART E, NORTHWEST INTERCEPTOR SEWER, North of 29th Street North, East of Maize Road, as authorized by Resolution R-03-231, adopted May 13, 2003, and published May 16, 2003, corrected & republished October 30, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$7,619.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

nnn) (480-703/468-83680) Construction of MAIN 6, PART D, NORTHWEST INTERCEPTOR SEWER, North of 29th Street North, between Maize & Tyler, as authorized by Resolution R-03-416, adopted August 5, 2003, and published August 8, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$199,822.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

ooo) (480-704/468-83705) Construction of MAIN 6, PART F, NORTHWEST INTERCEPTOR SEWER, South of 29th Street North, West of Maize, as authorized by Resolution R-03-528, adopted October 7, 2003, and published October 10, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$28,362.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

STORM WATER:

ppp) (485-207/468-82771) Constructing SWD NO. 132, TO SERVE FOREST LAKES WEST ADDITION, North of 29th Street, East of Tyler, as authorized by Resolution R-97-348, adopted September 23, 1997, and published September 26, 1997. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$156,854.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

qqq) (485-219/468-83527) Constructing SWD NO. 192, TO SERVE TARA FALLS ADDITION, South of Harry, East of Greenwich, as authorized by Resolution R-02-461, amended by Resolution No. R-03-228, adopted October 22, 2002, & May 13, 2003, and published October 26, 2002, & May 16, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$242,710.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

rrr) (485-217/468-83544) Constructing SWS NO. 577, TO SERVE LIBERTY PARK 2ND, South of 13th, East of 135th Street West, as authorized by Resolution R-02-535, rescinded by Resolution No. R-03-607, adopted December 10, 2002 & November 18, 2003, and published December 14, 2002 & November 21, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$102,418.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

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sss) (485-218/468-83559) Constructing SWS NO. 581, TO SERVE COPPER GATE ESTATES, South of 13th, West of 135th Street West, as authorized by Resolution R-02-551, adopted December 10, 2002, and published December 14, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$108,549.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

ttt) (485-214/468-83564) Constructing SWD NO. 197, TO SERVE WILSON ESTATES MEDICAL PARK AND LEGACY PARK TRACT, South of 21st Street, West of Webb Rd., as authorized by Resolution R-02-591, adopted December 17, 2002, and published December 21, 2002, corrected & republished March 4, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$125,555.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

uuu) (485-223/468-83569) Constructing SWS NO. 585, TO SERVE REED'S COVE, REED COMMERCIAL, & REED'S COVE 2ND ADDITIONS, South of 21st, East of 127th Street East, as authorized by Resolution R-03-008, rescinded by Resolution No. R-03-390, adopted January 7, 2003 & July 15, 2003, and published January 11, 2003, corrected & republished March 8, 2003 & July 18, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$255,977.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

vvv) (485-221/468-83579) Constructing SWD NO. 198, TO SERVE TYLER'S LANDING ADDITION, South of 37th Street North, East of Tyler, as authorized by Resolution R-03-023, amended by Resolution No. R-03-345, adopted January 7, 2003 & July 1, 2003, and published January 11, 2003, & July 3, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$458,874.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

www) (485-224/468-83597) Constructing SWD NO. 200, TO SERVE SHADOW WOODS ADDITION, West of 135th Street West, North of Maple, as authorized by Resolution R-03-083, adopted February 11, 2003, and published February 15, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$167,907.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

xxx) (485-226/468-83607) Constructing SWD NO. 202, TO SERVE THUNDERBIRD OFFICE PARK, South of Maple, West of 119th Street West, as authorized by Resolution R-03-159, adopted April 1, 2003, and published April 7, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$184,117.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

yyy) (485-229/468-83656) Constructing SWS NO. 591, TO SERVE REED'S COVE & REED COMMERCIAL ADDITIONS, South of 21st, East of 127th Street East, as authorized by Resolution R-03-315, adopted June 17, 2003, and published June 20, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 16, 2003, in the amount of \$105,621.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the proposed assessments be approved and the Ordinances be placed on first reading. Motion carried 7 to 0.

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WATER PROJECTS:

a) (470-762/448-88759)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-88759, TO SERVE WHITE TAIL, South of 13th, West of 127th Street East, introduced and under the rules laid over.

b) (470-728/448-89292)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89292 TO SERVE SKYWAY INDUSTRIAL PARK & DUGAN INDUSTRIAL 2ND & 3RD ADDITIONS, East & West of Tyler Road, South of 31st Street South, introduced and under the rules laid over.

c) (470-765/448-89569)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89569 TO SERVE REMINGTON PLACE ADDITION & UNPLATTED TRACT, East of Webb, South of 21st Street North, introduced and under the rules laid over.

d) (470-766/448-89570)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89570 TO SERVE REMINGTON PLACE ADDITION, East of Webb, South of 21st Street North, introduced and under the rules laid over.

e) (470-791/448-89636)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89636 TO SERVE BRENTWOOD SOUTH ADDITION, East of Webb Road, North of Pawnee, introduced and under the rules laid over.

f) (470-801/448-89647)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89647 TO SERVE PINE MEADOW ADDITION, East of Greenwich, South of 13th Street, introduced and under the rules laid over.

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g) 470-783/448-89650)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89650 TO SERVE EAGLES LANDING AT NORTH OLIVER 2ND ADDITION, South of 45th Street North, West of Oliver, introduced and under the rules laid over.

h) (470-761/448-89655)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89655 TO SERVE BALTHROP 4TH ADDITION, North of Central, West of K-96, introduced and under the rules laid over.

i) (470-794/448-89667)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89667 TO SERVE SMITHMOOR 10TH ADDITION, North of Pawnee, West of Greenwich, introduced and under the rules laid over.

j) (470-729/448-89673)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89673 TO SERVE MID-CONTINENT INDUSTRIAL PARK I & II, South of K-42 Highway, East of Maize Road, introduced and under the rules laid over.

k) (470-753/448-89712)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89712 TO SERVE SAWMILL CREEK ADDITION, East of Rock Road, North of 45th Street North, introduced and under the rules laid over.

l) (470-779/448-89726)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89726 TO SERVE THE EXECUTIVE AT WHITE TAIL ADDITION, South of 13th, East of K-96 Expressway, introduced and under the rules laid over.

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m) (470-775/448-89738)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89738 TO SERVE TARA FALLS ADDITION, South of Harry, East of Greenwich, introduced and under the rules laid over.

n) (470-773/448-89747)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89747 TO SERVE LIBERTY PARK 2ND, South of 13th, East of 135th Street West, introduced and under the rules laid over.

o) (470-767/448-89754)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89754 TO SERVE WEST LYNN 2ND ADDITION, North of 13th, West of West Street, introduced and under the rules laid over.

p) (470-774/448-89755)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89755 TO SERVE COPPER GATE ESTATES, South of 13th, West of 135th Street West, introduced and under the rules laid over.

q) (470-768/448-89758)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89758 TO SERVE WHISPERING LAKES ESTATES, South of Harry, East of 143rd Street East, introduced and under the rules laid over.

r) (470-788/448-89763)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89763 TO SERVE REMINGTON PLACE 2ND ADDITION, South of 21st, East of Webb, introduced and under the rules laid over.

s) (470-769/448-89764)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89764 TO SERVE REED'S COVE & REED'S COVE 2ND ADDITIONS, South of 21st, East of 127th Street East, introduced and under the rules laid over.

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t) (470-784/448-89767)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89767 TO SERVE FALCON FALLS ADDITION, South of 53rd Street North, West of Hillside, introduced and under the rules laid over.

u) (470-778/448-89771)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89771 TO SERVE TYLER'S LANDING ADDITION, South of 37th Street North, East of Tyler, introduced and under the rules laid over.

v) (470-792/448-89772)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89772 TO SERVE TYLER'S LANDING ADDITION, South of 37th Street North, East of Tyler, introduced and under the rules laid over.

w) (470-790/448-89784)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89784 TO SERVE IRONHORSE AT OXFORD ADDITION, West of Woodlawn, South of 29th Street North, introduced and under the rules laid over.

x) (470-798/448-89785)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89785 TO SERVE WOODLAND LAKES ESTATES 3RD ADDITION, South of Lincoln, West of 127th Street East, introduced and under the rules laid over.

y) (470-785/448-89790)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89790 TO SERVE R. A. MORRIS TRACTS, North of Central, East of Hoover, introduced and under the rules laid over.

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z) (470-796/448-89820)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89820 TO SERVE REED'S COVE ADDITION, South of 21st, East of 127th Street East, introduced and under the rules laid over.

aa) (470-797/448-89821)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89821 TO SERVE REED'S COVE ADDITION, South of 21st, East of 127th Street East, introduced and under the rules laid over.

bb) (470-800/448-89825)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89825 TO SERVE RIDGE PORT & RIDGE PORT 3RD ADDITIONS, East of Ridge, North of 29th Street North, introduced and under the rules laid over.

cc) (470-802/448-89840)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89840 TO SERVE SHELLY'S ORCHARD ADDITION, East of Maize, North of Pawnee, introduced and under the rules laid over.

dd) (470-805/448-89844)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89844 TO SERVE LESTER TURLEY ADDITION, West of Meridian, South of 19th Street North, introduced and under the rules laid over.

ee) (470-806/448-89846)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89846 TO SERVE REGENCY PARK ADDITION, North of 21st, West of Greenwich Road, introduced and under the rules laid over.

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SEWER PROJECTS:

ff) (480-690/468-83229)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 6, MAIN 8, SOUTHWEST INTERCEPTOR SEWER, West of Tyler Road, South of Maple, introduced and under the rules laid over.

gg) (480-646/468-83247)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 35, MAIN 24, WAR INDUSTRIES SEWER, East of Webb Road, South of 21st Street North, introduced and under the rules laid over.

hh) (480-647/468-83248)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 36, MAIN 24, WAR INDUSTRIES SEWER, East of Webb Road, South of 21st Street North, introduced and under the rules laid over.

ii) (480-617/468-83262)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 13, PART B, SANITARY SEWER #23, East of Hydraulic, North of 37th Street North, introduced and under the rules laid over.

jj) (480-669/468-83354)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 320, FOUR MILE CREEK SEWER, East of Webb Road, North of Pawnee, introduced and under the rules laid over.

kk) (480-677/468-83376)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 325, FOUR MILE CREEK SEWER, East of Greenwich, South of 13th, introduced and under the rules laid over.

ll) (480-644/468-83391)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 328, FOUR MILE CREEK SEWER, North of Central, West of K-96, introduced and under the rules laid over.

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mm) (480-599/468-83395)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 329, FOUR MILE CREEK SEWER, North of Central, West of Greenwich Road, introduced and under the rules laid over.

nn) (480-616/468-83440)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 13, PART A, SANITARY SEWER #23, West of Hillside, South of 53rd Street North, introduced and under the rules laid over.

oo) (480-619/468-83455)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 13, PART D, SANITARY SEWER #23, East of Hydraulic, North of 37th St. North, introduced and under the rules laid over.

pp) (480-620/468-83457)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 13, PART E, SANITARY SEWER #23, East of Hydraulic, North of 37th St. North, introduced and under the rules laid over.

qq) (480-621/468-83458)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 13, PART F, SANITARY SEWER #23, East of Hydraulic, North of 37th St. North, introduced and under the rules laid over.

rr) (480-630/468-83459)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 2, MAIN 13, SANITARY SEWER #23, East of Hillside, South of 53rd St. North, introduced and under the rules laid over.

ss) (480-645/468-83504)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 488, SOUTHWEST INTERCEPTOR SEWER, West of 119th Street West, North of Central, introduced and under the rules laid over.

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tt) (480-661/468-83523)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 339, FOUR MILE CREEK SEWER, South of 13th, East of K-96 Expressway, introduced and under the rules laid over.

uu) (480-657/468-83528)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 1, MAIN 5, NORTHWEST INTERCEPTOR SEWER, North & South of 13th, East of 135th Street West, introduced and under the rules laid over.

vv) (480-655/468-83532)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 4, MAIN 5, NORTHWEST INTERCEPTOR SEWER, South of 13th, West of 135th Street West, introduced and under the rules laid over.

ww) (480-652/468-83535)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 3, MAIN 13, SANITARY SEWER #23, South of 53rd Street North, West of Hillside, introduced and under the rules laid over.

xx) (480-648/468-83538)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 342, FOUR MILE CREEK SEWER, South of Harry, East of 143rd Street East, introduced and under the rules laid over.

yy) (480-653/468-83548)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 32, COWSKIN INTERCEPTOR SEWER, South of Pawnee, West of Maize, introduced and under the rules laid over.

zz) (480-662/468-83553)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 40, MAIN 24, WAR INDUSTRIES SEWER, North of 13th, East of Webb, introduced and under the rules laid over.

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aaa) (480-666/468-83554)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 41, MAIN 24, WAR INDUSTRIES SEWER, South of 21st, East of Webb, introduced and under the rules laid over.

bbb) 480-663/468-83556)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 157, WAR INDUSTRIES SEWER, East of Hillside, South of Pawnee, introduced and under the rules laid over.

ccc) (480-658/468-83572)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 40, DISTRICT T, SANITARY SEWER #12, North of 25th Street North, West of Grove, introduced and under the rules laid over.

ddd) (480-668/468-83575)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 73, MAIN 5, SANITARY SEWER #23, West of Woodlawn, South of 29th Street North, introduced and under the rules laid over.

eee) (480-659/468-83577)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 490, SOUTHWEST INTERCEPTOR SEWER, South of 37th Street North, East of Tyler, introduced and under the rules laid over.

fff) (480-674/468-83588)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 345, FOUR MILE CREEK SEWER, South of Lincoln, West of 127th Street East, introduced and under the rules laid over.

ggg) (480-670/468-83595)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 34, COWSKIN INTERCEPTOR SEWER, West of 135th Street West, North of Maple, introduced and under the rules laid over.

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hhh) (480-671/468-83603)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 142, MAIN 4, SANITARY SEWER #23, North of 33rd Street North, West of Fairview, introduced and under the rules laid over.

iii) (480-676/468-83612)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 350, FOUR MILE CREEK SEWER, West of 143rd Street East, South of Kellogg, introduced and under the rules laid over.

jjj) (480-679/468-83618)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 6, PART B, NORTHWEST INTERCEPTOR SEWER, South of 29th Street North, West of Maize Road, introduced and under the rules laid over.

kkk) (480-673/468-83621)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 4, MAIN 14, FOUR MILE CREEK, South of 21st, East of 127th Street East, introduced and under the rules laid over.

lll) (480-680/468-83632)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 6, PART A, NORTHWEST INTERCEPTOR SEWER, North of 29th Street North, East of Maize Road, introduced and under the rules laid over.

mmm) (480-681/468-83633)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 6, PART E, NORTHWEST INTERCEPTOR SEWER, North of 29th Street North, East of Maize Road, introduced and under the rules laid over.

nnn) (480-703/468-83680)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 6, PART D, NORTHWEST INTERCEPTOR SEWER, North of 29th Street North, between Maize & Tyler, introduced and under the rules laid over.

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ooo) (480-704/468-83705)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 6, PART F, NORTHWEST INTERCEPTOR SEWER, South of 29th Street North, West of Maize, introduced and under the rules laid over.

STORM WATER:

ppp) (485-207/468-82771)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWD NO. 132, TO SERVE FOREST LAKES WEST ADDITION, North of 29th Street, East of Tyler, introduced and under the rules laid over.

qqq) (485-219/468-83527)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWD NO. 192, TO SERVE TARA FALLS ADDITION, South of Harry, East of Greenwich, introduced and under the rules laid over.

rrr) (485-217/468-83544)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWS NO. 577, TO SERVE LIBERTY PARK 2ND, South of 13th, East of 135th Street West, introduced and under the rules laid over.

sss) (485-218/468-83559)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWS NO. 581, TO SERVE COPPER GATE ESTATES, South of 13th, West of 135th Street West, introduced and under the rules laid over.

ttt) (485-214/468-83564)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWD NO. 197, TO SERVE WILSON ESTATES MEDICAL PARK AND LEGACY PARK TRACT, South of 21st Street, West of Webb Rd., introduced and under the rules laid over.

uuu) (485-223/468-83569)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWS NO. 585, TO SERVE REED'S COVE, REED COMMERCIAL, & REED'S COVE 2ND ADDITIONS, South of 21st, East of 127th Street East, introduced and under the rules laid over.

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vvv) (485-221/468-83579)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWD NO. 198, TO SERVE TYLER'S LANDING ADDITION, South of 37th Street North, East of Tyler, introduced and under the rules laid over.

www) (485-224/468-83597)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWD NO. 200, TO SERVE SHADOW WOODS ADDITION, West of 135th Street West, North of Maple, introduced and under the rules laid over.

xxx) (485-226/468-83607)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWD NO. 202, TO SERVE THUNDERBIRD OFFICE PARK, South of Maple, West of 119th Street West, introduced and under the rules laid over.

yyy) (485-229/468-83656)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWS NO. 591, TO SERVE REED'S COVE & REED COMMERCIAL ADDITIONS, South of 21st, East of 127th Street East, introduced and under the rules laid over.

EXCEL MFG.

PUBLIC HEARING AND TAX EXEMPTION REQUEST, EXCEL MANUFACTURING, INC. (DISTRICT IV)

Agenda Report No. 04-0229

Allen Bell

Economic Development Director reviewed the Item.

Council Member Schlapp momentarily absent.

On January 15, 2002, City Council approved a five-plus-five year 100% Economic Development Tax Exemption to Excel Manufacturing, Inc. for an expansion project that resulted in the construction of a building addition and acquisition of new machinery and equipment. Excel Manufacturing located at 3258 S. Hoover Road in southwest Wichita, was locally formed in 1971.

Since its establishment, Excel Manufacturing, Inc. has achieved consistent growth in its manufacturing of parts for the aerospace industry. Excel Manufacturing recently expanded its manufacturing capacity through acquisition of new machinery and equipment. Based on a letter of intent, Excel Manufacturing is now requesting approval of an Economic Development Tax Exemption on the newly acquired manufacturing equipment in conjunction with the expansion project.

Excel Manufacturing, Inc., is a precision manufacturer of high quality machining, fabricated components and assemblies for aerospace and commercial industries. Excel specializes in 3, 4, and 5 axis machining of complex parts. Their high-speed machining centers have capabilities of up to 25,000 rpm of spindle speed. Excel is well known for its machining of detail parts such as bulkheads, wing ribs, floor sections and large monolithic parts. In 1985, Excel began an aggressive move into the development of advanced metal cutting capability, utilizing features such as measuring probes and

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palletized machining. Excel is a leader of aircraft components and parts with thin walls and cross sections. Typically, these monolithic parts are made from one piece rather than the conventional metal assemblies. Excel also has sheet metal and assembly capabilities that should enhance their presence in the aerospace market. Excel exports its work out of the State of Kansas via customers such as Boeing, Cessna, Raytheon, Bombardier, Sikorsky and AeroFlex.

Excel currently employs 85 persons and plans to add at least 6 new jobs over the next five years in expanding its operations by the purchase of additional machinery equipment.

Under the City's Business Incentives Policy, Excel is eligible for the following:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
16.5%	New Job Creation:	Excel will create at least 6 new jobs.
16.5%	Capital Improvements:	Excel will invest at least \$1,019,535.
33.0%	Sub Total Business - Incentive Eligibility (Maximum allowed is 50%)	
50.0%	Export Premium:	Excel exports 100% of its product outside Kansas.
50.0%	Sub Total – Export Premium (Maximum allowed is 50%)	
00.0%	Location Premium:	Excel is not located in the central redevelopment area.
	(additional 20% allowed)	

83.0% TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY

Under the City's Business Incentives Policy, Excel Manufacturing, Inc., is eligible for a 83% tax exemption for a five-year term on new personal property. A notice of public hearing has been published. Excel has agreed to comply with the conditions set forth in the 1999 revised Business Incentive Policy.

The estimated first year taxes on the proposed \$1,019,535 expansion would be \$24,821 on personal property, based on the 2003 mill levy. Using the allowable tax exemption of 83 percent, the City would be exempting (for the first year) \$20,601 of new taxes from the personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$5,784; County/State - \$5,497; and USD 261 - \$9,320.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	1.98 to one
Sedgwick County	2.22 to one
USD 261	1.10 to one
State of Kansas	12.30 to one

Equipment Purchases:

MAKINO MAG 3 Equipment And Ancillary Equipment

Makino MAG 3 5 Axis Machining Center	\$866,667
Shrink fit Tool	11,759
Computer for LK-DMIS for CMM	2,123

Tooling for MAG 3

Tooling	\$14,730
Collet Set	1,213
Threadmill	488

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Drill Bushing	1,376	
Drill Bushing	561	
Tooling	3,075	
Tooling	8,568	
Tool Holder	723	
Slit Saw	419	
Tool Holder	874	
Tooling	10,311	
Grinder, Inspect Kit, Misc. Tooling	491	
Waterloo Project Center	200	
Import Socket Set	77	
Collet Set	398	
Spanner Wrench	<u>272</u>	43,776
Air lines for MAG 3		
Propane Tank, Deep Box	1,401	
Copper Tube	1,325	
Coupling, Tee, Ball Valve	222	
Propane Kit, Conduit Hanger	91	
Beam Clamp, Conduit Hanger	37	
Beam Clamp, Conduit Hanger	18	
Ball Valve, Coupling	144	
Hanger	46	
Copper Adapter	130	
Copper Tube	598	
Filter, Tee, Bushing, Manifold	153	
Sling, Tuff Edge	51	
Hose, Coupler, Nipple	1,042	
Pipe Clamp, Iron Beam Clamp	42	
Cond Hanger	<u>21</u>	5,321
Electrical wiring for MAG 3		20,000
Concrete pad for MAG 3	42,813	
Transformer Pad	<u>760</u>	43,573
Renishaw MP10 Probing System		6,500
Rambaudi Riser Blocks		<u>19,816</u>
Total Expansion Project		\$ 1,019,535

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Gray moved that the Ordinance granting an 83% tax exemption on the identified personal property improvements for a five-year term be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Excel Manufacturing, Inc., so exempted, introduced and under the rules laid over.

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WINDRIDGE APTS. PUBLIC HEARING AND REQUEST FOR IRB LETTER OF INTENT AND RESOLUTION OF SUPPORT FOR LOW-INCOME HOUSING TAX CREDITS, WINDRIDGE APARTMENTS. (DISTRICT IV)

Agenda Report No. 04-0230

Allen Bell

Economic Development Director reviewed the Item.

Municipal Capital Appreciation Partners L.L.C., (MCAP), is requesting City Council approval of a one-year Letter of Intent for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$4,500,000. In addition, the company is also requesting approval of a Resolution of Support for its application for Low-Income Housing Tax Credits in connection with the development of a residential apartment project. The proceeds of the bonds will be used to finance the cost of acquiring and renovating a 136-unit low to moderate-income multifamily apartment building to be leased by MCAP Windridge L.L.C.

The Windridge Apartments are located at 2502 Wildwood Street. The apartment complex offers 136 units of one, two, three and four bedroom apartments. Amenities include common area playgrounds and a clubhouse. The project is currently subsidized under a project-based Section 8 rental assistance contract through the U.S. Department of Housing and Urban Development (HUD).

The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units (28 total units) for market rate tenants. MCAP has agreed to comply with this requirement. However, the market-rate unit set-aside could not be implemented until such time as the HUD subsidy contract expires. The City's policy permits implementation of the market-rate set-aside, upon expiration of applicable subsidy contracts, as permitted by HUD.

Bond proceeds and tax credits will be used to finance the costs of acquisition and substantial rehabilitation of Windridge Apartments at a total estimated cost of \$8.4 million. The rehabilitation of the apartments will include window upgrades/replacement, roof replacement, plumbing upgrades and cosmetic alterations, as well as replacement of kitchen cabinets, appliances, and bathroom fixtures.

The State of Kansas requires developers/owners to obtain a Resolution of Support from local governments, when they submit applications for financing through the Low-Income Housing Tax Credit Program.

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board. The policy requires a subsequent review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) also review the project for design appropriateness.

Each entity has completed its review and has recommended approval of the resolution of support. Further, in accordance with City council Resolution No. R-95-479, MCAP has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment on the project.

The firm of Hinkle Elkouri Law Firm, L.L.C., will serve as bond counsel in the transaction. Bonds will be purchased by MCAP Windridge, LLC or pursue a private placement with a qualified financial institution. MCAP agrees to comply with the Standard Conditions contained in the City's IRB Policy.

MCAP agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Low Income Housing Tax Credits will be one component of the financing package for the proposed project.

The City Attorney's Office will review and approve the form of the bond documents prior to the issuance of any bonds. City Council Resolution No. R-95-479 requires that the City Council hold a

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public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the Resolution of Support for the application of low-income housing tax credits. The resolution has been approved as to form by the City Law Department.

Municipal Capital Partners L.L.C., (MCAP), is requesting City Council approval of a one-year Letter of Intent for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$4,500,000. In addition, the company is also requesting approval of a Resolution of Support for its application for Low-Income Housing Tax Credits in connection with the development of a residential apartment project.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Gray moved that a Letter of Intent to MCAP Windridge L.L.C. for Industrial Revenue Bonds in an amount not-to-exceed \$4,500,000, subject to the Standard Letter of Intent conditions be approved; the Resolution of Support for low-Income Housing Tax Credits be adopted; and the necessary signatures authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 04-112

A Resolution of support for low-income housing tax credits - Windridge Apartments, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

HOUSING

PUBLIC HEARING; INVESTMENT RESOURCES CORPORATION, INC.; RESOLUTION OF SUPPORT FOR LOW-INCOME HOUSING TAX CREDIT APPLICATION. (DISTRICT I)

Agenda Report No. 04-0231

Mary Kay Vaughn

Director of Housing Services reviewed the Item.

The City has received a request from Investment Resources Corporation (IRC), for a City Council Resolution of Support for its application for Low-Income Housing Tax Credits in connection with the development of a residential apartment project. The State of Kansas requires developers/owners to obtain a Resolution of Support from local governments, when they submit applications for financing through the Low-Income Housing Tax Credit Program.

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board. The policy requires a subsequent review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) also review the project for design appropriateness. Once the project is reviewed and approved by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing, with a recommendation for approval of a Resolution of Support for the LIHTC application.

The proposed project will be located on land owned by IRC, north of 21st Street, near the intersection of 21st Street and Ridgewood. The project will offer 61 two-bedroom apartment units, within 31 duplex-style buildings. Amenities will include a separate community building with a kitchen, a common laundry facility, walking paths, and a gazebo.

The City's adopted tax credit policy typically requires a set-aside of 20% of the units for market rate tenants. However, there is an exception to this policy in the event that the project is designed to serve special needs populations, such as citizens with disabilities or senior citizens. This project is designed to serve senior citizens, age 55 and older, and thus, IRC has requested waiver of the 20% market rate requirement.

The project has been reviewed by the Housing Services Department, and has received recommendation for adoption of the Resolution of Support from the DAB, the HAB and the DCC, with waiver of the 20% market-rate unit requirement. (The District I Advisory Board approved a recommendation for

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adoption of the Resolution of Support by a 7 - 0 vote.) Further, in accordance with City Council Resolution No. R-95-479, IRC has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment on the project.

Low Income Housing Tax Credits will be one component of the financing package for the proposed project. The City will not be participating in the project financing.

City Council Resolution No. R-95-479 requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the Resolution of Support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Mayor Mayans	Mayor Mayans inquired whether anyone wished to be heard.
Mr. & Mrs. Metcalf	The Metcalf's stated that they live in Beacon Hill and that this construction will be going on in their backyard. Stated that they are concerned about their taxes increasing because of this project and whether it would decrease the value of their home.
Mary Kay Vaughn	Mary Kay Vaughn stated that the construction of this project will not automatically raise their property taxes and that this project will be for senior citizens and not necessarily low-income housing.
Matt Catanese	Mr. Catanese stated that he represents Investment Resources Incorporation, explained that this project will not have any effect on the Metcalf's taxes and will not decrease the value of their property.
Motion--	Brewer moved that the Resolution of Support for the IRC application for Low-Income Housing Tax Credits, with waiver of the 20% market-rate requirement, be adopted; and the necessary signatures authorized. Motion carried 7 to 0.
--carried	

RESOLUTION NO. 04-113

A Resolution of support for low-income housing tax credit application, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

TASK TEAM

WICHITA SUPPLIER DIVERSITY TASK TEAM FINAL REPORT.

Agenda Report No. 04-0232

Kelly Carpenter Acting Finance Director reviewed the Item.

The City Council appointed a 15-member task force to address concerns expressed to the City Council by minority business owners. The task given to the team by the City Council was general in nature – conduct an investigation to determine if allegations of racial discrimination in the City's purchasing process were valid. The Council originally set a deadline of December 2003.

The team had their first meeting September 26, 2003. Each team member was appointed to subcommittees. The subcommittees were: (1) media (2) review the 1994 Disparity Study implementation and results (3) interviews and (4) benchmarking. The team actually interviewed 14 business owners, six organizations and numerous individuals. The summaries of those interviews are contained within the report.

The report contains 23 "Observations" and 14 "Recommendations" as well as each subcommittee report.

Vernell Jackson Vernell Jackson stated that the Diversity Task Team was created to address some issues that were raised by some constituents. Mr. Jackson read the task team's Mission Statement. Stated that the team members were selected by the Mayor and Council Members and that they had their first meeting on September 29, 2003. Stated that the team also decided to include women owned businesses as a part of their investigation. Stated that the team interviewed 14 businesses, six organizations and numerous

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individuals as they made their investigation and that they divided into several sub-committees. Mr. Vernell read some of the observations:

Observations: That the Small Disadvantage Business Enterprises (SDBE) trends with regard to the absolute amount purchased was down by 47 % in 2003 compared to 2000 and the percentage of the total purchases were down from 2.4% in 2000 to 0.7% in 2003 have declined steeply. Stated that Women Owned Businesses also received a low (0.5%) amount of the City's total business, although the absolute amount is up by 50% in 2003 v. 2000. Stated that the rulings of the Tenth Circuit Court, and other judgments that mitigate against race-based set-asides and goals, appear to have deterred the adequate inclusion of minority suppliers in the bidding and selection process. Stated that this has hampered the City in making the progress that should have been made. Without anything being established to replace the subcontracting goal requirements that the 1994 Disparity Study recommended there is effectively no Small Disadvantaged/Women Owned Business Enterprise program in existence.

Stated that the 1994 Disparity Study was the basis of a lot of the conclusions that the team had. This study had made recommendations that they believe would have been helpful but were not implemented and that the task team could not find any evidence that any goals had been established. Stated that out of the 14 business owners that were interviewed had negative perceptions about the fairness of the City's purchasing practices. There were some very common issues among the disadvantage business owners, such as access to capital; understanding the City's bidding process and developing relationships. Regarding formal proposals, there is a perception that they were not given adequate opportunities to respond to formal proposals, which eliminates a fairly substantial amount of opportunity for them to participate. The task team feels that additional and continuous training would be of help to all of the small business owners, especially related to the bidding process and the selection process that the City has. Stated that the City does not always utilize the formal bidding process to accomplish emergency and short-lead time procurements.

Recommendations: 1. The City must develop a clear and organized plan to increase inclusion of SD and WOB. The plan must have specific top-level goals and objectives rather than subcontracting goals. The plan must be a part of an overall strategy to change the perception and reality of a lack of inclusion. The plan must have participation and ownership throughout all City departments and functions.

2. Immediately establish a Supplier Diversity outreach position. The sole responsibility for this position would be to ensure that the City works proactively to expand the registration and participation of SD and WOB. This individual must possess adequate construction and commercial knowledge to fulfill the role.

3. Unbundle large packages, especially construction packages, to increase the ability of smaller contractors to perform this work.

4. Establish an independent review and tracking process for all contracting activity, bids, proposals and statements of work development. Results should be reported directly to the City Council members on a regular (at least quarterly) basis. A special emphasis should be placed on tracking the level on inclusion of SD/WOB's on bidding opportunities. An independent Compliance Officer position would be essential to maintain the effectiveness and credibility of the review and tracking process.

5. Establish a quarterly review of the actual year-to-date purchase and open orders for SD and WOB's by the Council and City Manager.

6. Publish bid opportunities in variety of easily accessed media including non-traditional sources. Put bids in plain language.

7. The City should press for the law to be changed to allow local governments to establish their own bonding requirement dollar levels. These should be commensurate with the risk level assessed on each project.

8. Review the article by James Morgan entitled How well are supplier diversity programs doing?, from the 2002 Reed Business Information. The article includes a list of activities that makes a good Minority/Women Owned Business program. The list was developed by Reginald T. Williams, President, Procurement Resources, Peachtree City, GA. The twenty-one attributes of a good supplier diversity program are contained in the Subcommittee #2 Final Report.

9. Contact the City of Phoenix Equal Opportunity Department as referenced. Phoenix has developed a program with positive results. There are several organizations that also should be contacted to gain knowledge of "Best Practices". Those entities are included in Subcommittee #3 report.

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10. Conduct another Diversity Study if improvements to the statistics regarding the level of the City's purchases from SD/WOBE's do not occur within a reasonable time period, (6 months to a year).
11. Include SD/WOBE's on the list to receive emergency and short-lead purchases.
12. Establish an on-going committee (including some members from the Supplier Diversity Task Team and others as appropriate), to monitor the progress of the City's response to these recommendations.
13. The City should begin tracking prime contractor's purchases from SD/WOBE subcontractors on all large contracts, over \$500k.
14. The City Council should direct the Legal Department to draft a Resolution for the implementation of the recommendations. The response to these recommendations along with the Resolution and timetable for actions should be completed by June 1, 2004.

Carlos Nolla

Mr. Nolla stated that the City needs to open up opportunities not just for minority owned business but for women owned businesses. Stated that small businesses create 70% of all new jobs and when we create more jobs and keep our tax dollars within the City, we put people to work. Need to develop programs to help small businesses participate in the purchasing programs.

Denise Sherman

Ms. Sherman stated that she was a member of the Data Gathering Committee, which was chaired by Dr. Rhonda K. Lewis. The entire task team enlisted many ways to try to contact small and minority businesses to come talk to them about their concerns on this process and many of them were very reluctant. Stated that some of the ways that they approached these people was by personal contact, telephone calls, referrals from the associations and organizations, advertisements appeared in the Wichita Eagle, The Community Voice and KSJM Hot 107.9 Hot Radio Station. The committee is reporting the perceptions of the businesses that were interviewed were that there were some companies that stated that there was no hint of favoritism from some perspectives. Three of the businesses felt that the process was easy to access and several businesses felt that once a company has been doing business with the City, even if a lower bidder emerges, the City continues to do business as usual and do not consider the lowest bidder and this is against the state law. There was a perception that the "good ol' boy" network mentality and the ostracizing of those businesses who ask too many questions. There was a perception that overall inadequate attempts by the City of Wichita to hold small business workshops targeted at minority populations and a strong impression that when the City staff uses the word "minority" they are referring to African Americans and not to other racial or ethnic groups. There was also a perception by these businesses that the City staff does not understand how small businesses work and the challenges that they face.

John Forrest

Mr. Forrest served as Chairman of the 1994 Disparity Study Sub-Committee and was on the Data Gathering #2 Committee. Mr. Forrest highlighted a few of the 21 attributes of a good program and made note of where we as a City stand regarding them: The necessity to have established goals, stated that we have none and should have a policy directing endurance to affirmative procurement measures and the City has none. There is no evidence of the previous Council or Management of the City had made any effort to provide any significant leadership in this area. Also absent is the posting and disseminating of these policies and goals throughout the organization. Responsibility for minority program initiatives are not limited to the purchasing staff, is another key attribute to a good program. A functioning performance measure that is monitored in connection with minority and women business enterprise utilization, there is none. An on-going and reporting process to senior management, other than a once a year report that lists a lot of dollars spent without any kind of trend analysis year to year for measurement against any goals, there is no on-going monitoring and reporting process. The company has an internal minority and women owned business enterprise staff officer, there is none. Stated that on all of the 10 major attributes the City of Wichita strikes out.

Mayor Mayans

Mayor Mayans thanked the members of the committee and the chairman. Stated that this is very important to our City and our small businesses and that this looks like a wake up call to action.

Council Member Brewer

Council Member Brewer also thanked the task team and strongly believes that the recommendations that were presented should be implemented.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

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Kevin Myles

Mr. Myles who is with the local NAACP branch also extended his thanks and is very pleased with this report. Stated that he feels that the City needs a compliance officer, someone charged with tracking the bid process and the responsibility of providing over-site of the City's contacting practices to include the no-bid contracts. The City should devise a more effective means of registering and handling contractor complaints. It now places businesses in a precarious situation because if they want to make a complaint against the City's Purchasing Programmer Office, they have to go and register that complaint with the Purchasing Office. The City should either structure or change its informal bid process. They agree that the Task Force should be kept in place to review the City's progress. Stated that he supports moving into action without the need for an immediate disparity study and that their organization would like to offer their help in assisting the City.

Mr. Lewis

Mr. Lewis of the Urban League stated that almost 30 years ago he appeared before the City Council on this very same issue. There was a perception in the community that there was racism regarding contracting in City Hall. The City Council adopted an Ordinance that required that in all capital improvement contracts, that minority business enterprises would receive at least 10% of the dollar value of those contracts and that the winning contractor had to assure the City that they would utilize minority business enterprises or at lease demonstrate that there were none available to perform on the contracts. The City Council now has the opportunity to put into its bid specifications that minority business enterprises will have an opportunity to perform on city finance, construction and purchasing contracts. He and his organization encourages the Council to adopt the recommendations of the Diversity Task Force and write into the bid specifications requirements for minority business enterprise participation.

Motion--

Mayans moved that the "Wichita Supplier Diversity Task Team" report be received and filed with an action Items asking that the staff review all of the recommendations of the task force and present the plan for action to the City Council in workshop.

Council Member Brewer

Council Member Brewer wanted to make sure that all of the task force were invited when the presentation is made at the workshop.

--carried

Motion carried 7 to 0.

OFFICE SPACE

OFFICE SPACE FOR PATROL SOUTH BUREAU COMMUNITY POLICE OPERATIONS. (DISTRICT VI)

Agenda Report No. 04-0233

Norman Williams

Chief of Police reviewed the Item.

In the fall of 1999, the Patrol South Bureau community policing operations were moved to 539 S. Water, which is owned by the City. Since then, community police officers and Special Community Action Team (SCAT) officers have worked from that location to address neighborhood and business concerns in the Patrol South Bureau. The neighborhood basing of community policing operations has been a key component of the Wichita Police Department's community policing philosophy. As such, the Department now operates four separate Police substations that are each located in the hearts of residential and business neighborhoods around the City. The community police officers also make use of other neighborhood locations such as Parklane, Towne West and the mini-city halls.

Recently, it was determined the South Water location would be razed as part of the RiverWalk expansion project. Therefore, the Police Department began to search for alternative sites. Mr. Dave Burk, who is affiliated with the Old Town area, contacted police officials and offered office space located at 321 N. Mead for the Patrol South Bureau community policing operations. The proposed site, in the heart of Old Town, offers adequate working space for the officers and has adequate parking for police cars. This location would also provide quick and easy access for officers and enhance public safety in the core area of the City, particularly in the Old Town area. Mr. Burk expects construction and remodeling to be done within 30-45 days, which will enable officers to move into the space sometime in April 2004. Police officials have not been presented with other viable options regarding City owned properties in the area.

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Police will transfer existing budget for phone and computer lines at the South Water location to the new location. The contract with Mr. Burk states that police officers will be allowed to work out of this site for the next three years at no additional cost to the City.

The Law Department has reviewed and approved the contract with Mr. Burk.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Council Member Lambke Council Member Lambke stated that he has an objection to moving the patrol south community policing operation out of the patrol south area. If you are going to have community police officers they should be housed in a more central location.

Chief Williams Chief Williams explained that one of the things they tried to do was to look within the core area of the south bureau to see where they could come up with space to place the community police and operation. They were unable to find any adequate space that would allow them to do what they needed to get done and even though they may not be located in the core the police south substation is still located at Broadway and Pawnee. They needed to find a place that was the most viable location for them to operate and continue to be effective in regards to what they are trying to accomplish and this was the location that they came up with.

Motion-- Fearey moved that the contract be approved and the necessary signatures authorized. Motion
--carried carried 6 to 1. (Lambke-no)

ARTS TASK FORCE ARTS TASK FORCE.

Agenda Report No. 04-0234

John D'Angelo Arts Director reviewed the Item.

In 1994, the City Council and the Arts Council commissioned an independent study on the beneficial impact and potential of local arts and culture, which resulted in the approval of the Wichita Community Cultural Plan. One of the goals of the Cultural Plan was to establish a funding mechanism that would encourage cultural resources to become active partners.

The Arts Task Force will present its recommendations to the City Council in 60 days. It is recommended that the task force led by the Arts Council should include members of the following groups: Art Advisory Committee, the Greater Wichita Convention and Visitors Bureau, the Chamber of Commerce, USD 259, Wichita Area Builders Association, Sedgwick County, directors of various arts organizations, the Division of Arts and Culture, and Finance Department staff. In addition it is recommended that the Arts Task Force include other members as selected by the City Council.

The City currently provides financial and in-kind support to local arts and cultural organizations. There is no formal process to determine what organizations are eligible for financial or in-kind support from the city or how those organizations can access city funding. There is also no performance criteria established to measure the success of an organizations goals. The Arts Task Force would look at options for funding and criteria used by other cities to create a process for making appropriate recommendations to the City.

The process for performance-based criteria developed by the Arts Task Force would create an equitable and fiscally responsible method for distributing funds to arts organizations.

Arts Council and Task Force Members

Arts Council

Kristin Peck, Statewide Public Affairs Director, Cox Communication

Joe Miller, Controller, KAKE-TV

Joan Cole, President, Cole Consultants

Mohan Kambampati, Director, Wichita Asian Association

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Arts Advisory

Howard Ellington, Executive Director, Wichita Center for the Arts & Allen-Lambe House
Mitchell Berman, Executive Director, Wichita Symphony Orchestra
Wayne Bryan, Producing Director, Music Theatre of Wichita

Greater Wichita Convention & Visitor's Bureau

John Rolfe, President/CEO of Greater Wichita Convention & Visitor's Bureau

Wichita Area Chamber of Commerce

Bryan Derreberry, President & CEO, Wichita Area Chamber of Commerce

Sedgwick County

Ron Holt, Director of Culture, Entertainment and Recreation, Sedgwick County

At – Large

Charles Steiner, Director, Wichita Art Museum
Barbara Chamberlin, Executive Director, Botanica The Wichita Gardens
Bob Puckett, Director, Historical Museum
Monica Flynn, Executive Director, Wichita Children's Theatre and Dance Center
Eric Key

- Kristen Peck Chairman for the Arts Council, stated that they would like to create this task force to establish some sort of formal process for the distribution of funding for the arts in the community and would like to get a diverse group together to look at that process and determine additional funding for the arts in our community.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Council Member Brewer Council Member Brewer stated that he thought that he had appointed Eric Key to this committee a few years ago.
- John D'Angelo Mr. D'Angelo stated that the Council has the privilege to appoint anyone that they would like to the committee but that Mr. Key was not on this suggested list that was provided but will add any additions to this list as the Council wishes.
- Motion--
-- carried Mayans moved that the Arts Task Force to include Eric Key, be approved and authorize them to make appointments and return with recommendations in 60 days. Motion carried 7 to 0.

AVIATION FESTIVAL 2004 WICHITA AVIATION FESTIVAL.

Agenda Report No. 04-0235

- John D'Angelo Arts Director reviewed the Item.

City staff initiated a Request for Proposal (RFP) to organize and manage the 2004 Wichita Aviation Festival (WFI). Six organizations/businesses responded. An agreement was not reached with either of the two organizations that were recommended by staff. The two proposals submitted for consideration from the RFP process have now withdrawn their proposals.

Planning and organizing an Aviation Festival requires significant lead-time. Without a managing organization it became necessary to develop a team approach to facilitate the 2004 Aviation Festival. A team of partners committed to producing the Aviation Festival was formed. It includes: the Arts Council, Wichita Festivals Inc., Greater Wichita Convention and Visitor Bureau, McConnell AFB, the Kansas Air Guard, Kansas Aviation Museum, the Wichita Sports Commission, the City of Wichita and Sedgwick County. Gerald Barrack agreed to chair of this group and Janet Wright and John D'Angelo agreed to be the "team leaders" or operation project managers.

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The 2004 Aviation Festival will rely upon a strong partnership with McConnell Airforce Base. It will coincide with McConnell's open house scheduled for September and will be similar in scope to the Wichita Aviation Festival held in 2003.

In addition to planning for the 2004 Aviation Festival, City staff is also evaluating actions needed to continue this Festival in 2005. The City's intent is to reduce its role in direct management and to find a capable organization to take on this responsibility. Wichita Festivals Inc. has both the capabilities and the desire to manage the 2005 Aviation Festival. City staff has had preliminary conversations with this organization and is proposing to commence negotiations with WFI for the management of the 2005 Festival. Staff would return to the Council in April 2004 to seek approval of a contract between the City and WFI.

Staff is proposing that the Arts Council once again serve as the organization to financially manage the Aviation Festival. It is requested that funding in the amount of \$125,000 from the Tourism and Convention Fund (Century II/EXPO Hall Renovations account) be transferred to the Arts Council to pay for Aviation Festival performers and other related expenses. The Arts Council will assume all risks due to inclement weather or cancellation of the event. It is anticipated that if the Council authorizes staff to negotiate an agreement with Wichita Festivals Inc. for the management of the 2005 Aviation Festival, funding in a like amount will be needed.

The Law Department will approve the contract as to form.

- | | |
|------------------------|---|
| Council Member Martz | Council Member Martz stated that he has concerns with the Wichita Aviation Festival authorization at this time for 2005 because the Council does not have a formal proposal or contract from them and does not want to authorize something a year ahead. Stated that there was a larger amount of liability on the actual festival and that \$125,000 is not enough to cover that amount and who would assume that additional liability other than the City. |
| John D'Angelo | Mr. D'Angelo explained that the Arts Council would assume the financial risk associated but they were also given this group of volunteers and that they have agreed that they would live within the budgeted amount of money that they have. There will obviously be a downsizing of the scope of the Aviation Festival, however, there are some other financial request that are out there that they do not have today. Stated that McConnell Airforce Base also plans to have their open house and that they will have those additional resources this year which should lessen the financial burden. |
| Council Member Martz | Council Member Martz stated that he would like to keep this in the 2004 Festival only and have further discussion later for the 2005. |
| Cathy Holdeman | Cathy Holdeman explained that the intent of this agenda Items was not to commit to Wichita Festivals at this time, but to allow John D'Angelo to negotiate a contract which would be brought back to the Council for consideration and at that time the Council could chose whether or not to pursue that organization as the manger. |
| Council Member Martz | Council Member Martz stated that he would like to still do one festival at a time. |
| Council Member Schlapp | Council Member Schlapp stated that she agrees with Council Member Martz and inquired as to whether the City has to go out for an RFP to allow others to have the opportunity to be involved. |
| John D'Angelo | Mr. D'Angelo explained that he has checked with purchasing as well as the Legal Department and they are of the opinion that they do not need to since they have done that process once, that they can use Wichita Festivals as a vendor but that it can be opened up to an RFP again if the Council chooses to do so. |
| Council Member Gray | Council Member Gray also agreed that this should be opened up to an RFP. |
| Mayor Mayans | Mayor Mayans inquired whether anyone wished to be heard. |
| Cybill Strum | Ms. Strum agreed that the City needs and RFP and suggested that the prices for admissions be lowered. |

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Motion-- Mayans moved that the funding in the amount of \$125,000 for the 2004 Aviation Festival from the Tourism and Convention (Century II/EXPO Hall Renovations Account) be authorized; and to enter into an agreement with the Arts Council to manage the financial transactions associated with this event and begin the RFP process for the 2005 Aviation Festival. Motion carried 7 to 0.

--carried

PUMP STATION WEBB ROAD PUMP STATION EXTERIOR RENOVATION. (DISTRICT II)

Agenda Report No. 04-0236

David Warren Water and Sewer Director reviewed the Item.

The Webb Road Pump Station at the intersection of Webb Road and 21st Street was constructed in 1983. The pump station was designed to blend with the surrounding residential area and looks much like a large residential home. In addition to complementing the neighborhood aesthetics, the use of residential architectural features served a security benefit to disguise the facility. Since the pump station was constructed, the architectural complexion of the area has become more commercial.

In September of 2002, the City Council approved an option to renovate the exterior of the pump station. An option to remove the existing siding and replace it with a brick veneer, remove dormers, and replace existing shake shingles with a new standing seam metal roof to minimize annual maintenance and provide a more commercial appearance was selected.

Construction is underway and nearly complete. During construction, area residents expressed concern with the new appearance of the pump station (particularly the blue roof and metal gable ends).

Several options for changing the appearance of the roof were investigated by staff.

Option 1. Do nothing. The pump station would remain as it looks now (pending completion of construction). Cost: \$0.

Option 2. Paint the new roof and metal gable ends in a different color. The project architect (McCluggage Van Sickle & Perry) recommends against painting the roof as it will become a maintenance item and void the roof warranty. Cost: \$39,600.

Option 3. Replace the new roof and metal gable ends with another standing seam metal roof and gable panels of a different color. Cost \$85,250.

Option 4. Replace the new roof with a synthetic shake appearance roof and metal gable ends with Exterior Insulation Finish System (EIFS). Cost \$106,729.

District #2 Advisory Board recommended approval of Option #4 at its March 1, 2004 meeting.

Cost for the original project was \$203,300. The options available range from \$0 to \$106,729 (0 to 52.5% of the original contract price). Staff may be able to secure a lower cost of option 3 or 4 by bidding, as opposed to a change order. Funding of \$2.58 million is available in Webb Road Satellite Pump Station (W-882).

City Council policy prohibits change orders in excess of 25% of the original contract price.

Council Member Schlapp Council Member Schlapp stated that the neighbors were not approached when this roof was replaced the second time even though it was agreed that it would conform to their neighborhood. Stated that the conclusion was that this was going to be a commercial corner and that this building should look commercial, yet it still sits on the corner where the residents are and is closer to the residential area than it is to the commercial and did not go through design council. Stated that this does not seem to match or conform to anything.

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- Council Member Brewer Council Member Brewer stated that if we had a process, how did we miss this process that it had to go before the DAB and other committees and no one had an opportunity to see it. Stated that this is an awful expensive mistake. Stated that there needs to be something in place to make sure that this does not happen again.
- David Warren Mr. Warren explained that all of the appropriate safe guards are there, but that regrettably there were a number of unfortunate circumstances that occurred in this case where certain assumptions were made about things being carried out, which did not happen. Stated that he takes responsibility for that.
- Council Member Gray Council Member Gray stated that he was able to obtain some informal bids that were much lower than the bids that were presented. Requested that the Council send this back out to RFP to make sure that they are getting fair and equitable bids on this process.
- Council Member Lambke Council Member Lambke stated that his concerns are with the cost and that the money has already been spent to put this roof on. The cheapest price for correction of this problem is \$85,000 and the DAB is requesting the most expensive solution. Stated that the Council needs to be careful about throwing the money away on tearing down a new roof and replacing it.
- Council Member Brewer Council Member Brewer stated that the right thing to do is to keep our word with the community and change the roof, but recommends to send this back out to an RFP and bring back to the Council.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Greg Ferris Mr. Ferris stated that he is hearing that the Council does not want to paint the roof because it invalidates the warranty and who cares if the warranty is invalidated. If you tear off the roof and spend \$85,000 you have invalidated the warranty anyway. Maybe the Council should look at painting it because who cares if that warrant is no longer valid, the warranty is irrelevant because you can take that \$85,000 to replace the roof and put in the bank and if you need to repair the roof, you have the \$85,000 that you did not spend today because it cost much less to paint it.
- Bob Dool Mr. Dool stated that he represents the Homeowners Association and that the corner that this building is sitting on will never be commercial nor will the adjacent property to it because the corner is an underground water reservoir, which is owned by the City. The structure does not look like a commercial building it looks like a residential building with an ugly blue roof on it. The public did not have a chance to have input on the original presentation and would urge the Council to approve the recommendation of the DAB to replace the roof with a synthetic shake shingle and restore it to it's original appearance.
- Rick Beckler Mr. Beckler is also on the Homeowners Association at Tall Grass East and stated that if this metal roof gets hit with hail there will be an aesthetic issue and if you paint it there will be issues with the paint chipping off.
- Cybill Strum Ms. Strum stated that blue is a nice color and who cares about a blue roof. Taxpayers do not have the money to put new roof on buildings.
- Motion-- Schlapp moved to select option #4 to replace the new roof with a synthetic shake appearance roof and metal gable ends and obtain the proper bid process and make sure that the cost of the roof and the side is correct and that the necessary signatures for a project budget revision, a change order or new contract be authorized. Motion carried 4 to 3. (Nays-Lambke, Fearey and Martz)
- carried

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

- Motion--carried Gray moved to appointment Michael Gisick to the DAB IV. Motion carried 7 to 0.

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CONSENT AGENDA

Motion-- Mayans moved that the Consent Agenda be approved as consensus Items, except for Items 24.
--carried Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 15, 2004.

Bids were opened March 5, and March 12, 2004, pursuant to advertisements published

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Water distribution system to serve Woodland Lakes Estates Third Addition - (north of Harry, west of 127th Street East. (448-89786/735173/470843) Does not affect existing traffic. (District II)

Padgett Excavation - \$25,492.50

Aley Park Tennis Courts Reconstruction Project - west of Seneca, south of Esthner. (472-83940/602528/785041/800301/394173) Does not affect existing traffic. (District IV)

Trans Texas Tennis - \$88,701.33 (Base bid with Add Alternate #1)

Murdock Park Tennis Courts Rehabilitation 2003 CDBG - north of Murdock, west of Minnesota. (472-83938/602528/785041/800301/394173) Does not affect existing traffic. (District I)

Trans Texas Tennis - \$75,390.00

West Douglas Park Tennis Courts Rehabilitation 2003 CDBG - north of Maple, west of Sheridan. (472-83939/602528/785041/800301/394173) Does not affect existing traffic. (District IV)

Trans Texas Tennis - \$77,489.00

Central from Maize to Tyler, Phase 2 - Landscaping - (472-83659/706848/200267). Does not affect existing traffic. (District V)

Green-Glo - \$21,208.00

Aley Park Basketball Courts Reconstruction - west of Seneca, south of Esthner. (472-83965/602529/800301) Does not affect existing traffic. (District IV)

Barkley Construction – \$19,509.75* (Base Bid)
\$ 718.45* (Group 1)
\$ 2,850.00 (Group 2)
\$23,078.20 (Total Base Bid with Groups 1 and 2)

*Negotiated to Engineer's Estimate

Auburn Hills from the west line of Lot 10, Block D north to the north line of the plat; Monterey from the west line of Lot 37, Block B east to Auburn Hills; Torrey Pines from the west line of Lot 2, Block B east to Auburn Hills; Auburn Hills Court from Auburn Hills west to and including the cul-de-sac (Lots 1 thru 4, Block A and Lots 1 thru 6, Block B); Sidewalk along one side of Monterey, Auburn Hills and Torrey Pines to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (472-83930 /765841/490952) Does not affect existing traffic. (District V)

APAC – Kansas Inc. - \$408,743.00 (Negotiated to Engineer's Estimate)

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Lateral 42, Main 15 Southwest Interceptor Sewer to serve Lake Ridge Commercial Second Addition - north of 21st Street North, east of Ridge) (468-83769/744040/480728) Does not affect existing traffic. (District V)

McCullough Excavation - \$7,200.00

Shiloh Street from Harry to the north line of the plat, on Boston and Zimmerly from the east line of Shiloh Street to the east line of Shiloh Street; Shiloh Court from the west line of Shiloh Street to and including the cul-de-sac; Boston Court from the north line of Boston to and including the cul-de-sac; Sidewalk on one side of Shiloh Street, Boston and Zimmerly to serve Crystal Creek Addition - north of Harry, west of Greenwich. (472-83818/765818/490929) Does not affect existing traffic. (District II)

APAC – Kansas Inc. - \$672,916.70

Motion --

-- carried

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Mowing Residential Sites & Vacant Lots.

One Time Lawn Service - \$9,675.00 (Group 1/Total Net Bid)
\$ 15.00 (Group 1/Cost per mowing and trimming services for scattered sites and vacant lots)
\$ 15.00 (Group 1/Cost per mowing and trimming services of South City Easement)
\$ 15.00 (Group 1/Cost per mowing and trimming easement on Haskell)
\$ 15.00 (Group 1/Cost per mowing and trimming 17th Street Easement)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Polymer.

Polydyne Inc. - \$186,354.00 (Group 1/Total Net Bid)
\$ 0.1190 (Group 1/Cost per Pound)

PARKS & RECREATION DEPARTMENT/GOLF DIVISION: Four-Wheel Electric Golf Carts.

EZGO Kansas City - \$176,000.00 (Total Base Bid)
<\$ 30,800.00>(Group 1/Option 1<Deduct>)

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Lagoon Closure.

Mies Construction - \$62,849.00 (Group 1/Total Net Bid)

MUNICIPAL COURT DIVISION: Vertical Moving and Parking Tickets.

Moore Wallace North America Inc. - \$8,073.50 (Group 1/Total Net Bid)
\$3,545.70 (Group 2/Total Net Bid)

VARIOUS DEPARTMENTS/VARIOUS DIVISION: Automobiles, Trucks, Cargo & Mini.

Rusty Eck Ford Inc. - \$20,558.00 (Group 2/Alternate A/Total per Each)
\$ 169.00 (Group 2/Option 1)

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AIRPORT DEPARTMENT/OPERATIONS DIVISION: Window Cleaning Services – Airport.

E.H. Technical Solution - \$22,188.00 (Group 1/Total Net Bid)

AIRPORT DEPARTMENT/OPERATIONS DIVISION: Emergency Repair of a Heat Exchanger.

Piping & Equipment Co.* - \$16,666.00

*Purchase under emergency repair – Ordinance No. 35-856 Section 2.64.030 (a).

PARKS DEPARTMENT/CITY ARTS DIVISION: Parts Required for the Move of Existing Pot Furnaces from Old Locations to New Locations.

Meridian Street Art Glass, Inc. - \$17,740.00*

*Purchasing Ordinance No. 35-856 Section 2.64.020 (b) – Sole Source of Supply

Motion --
-- carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0

LICENSES

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

New Escort Service

Michael Doran Kingsley Absolute 1127 East Douglas

Motion--
--carried

Mayans moved that the license, subject to Staff review and approval, be approved. Motion carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Maria E. Tena	Angela's Café*	901 East Central
<u>New Operator</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Bounhacksa Saykhamphaine	Thai Palace Restaurant*	948 South Oliver
<u>New Operator</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Sohail Moiz	Johnny's Mini Mart	3520 North Woodlawn
Paresh Merchant	Smeet LLC	731 North Ridge Road

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses, subject to Staff review and approval, be approved. Motion carried 7 to 0.

PRELIMINARY EST. PRELIMINARY ESTIMATES:

a) 2004 Contract maintenance diamond grinding of Hydraulic, Pawnee to I-135 - north of I-135, on Hydraulic. (472-83920/132716/) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$144,000.00

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- b) 2004 Contract maintenance street repair & quickset slurry seal, Phase 2 - north of US-54, east of 119th Street West. (472-83918/131532/132716/) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$684,646.32
- c) 2004 Contract maintenance asphalt mill & overlay - north of Harry, east of Meridian. (472-83922/132716/620398/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,VI) - \$368,000.00
- d) Water distribution system to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (448-89910/735169/470839) Does not affect existing traffic. (District V) - \$87,000.00
- e) Water distribution system to serve Harvest Ridge Addition - south of 31st Street South, west of Maize. 448-89849/735161/470831) Does not affect existing traffic. (District V) - \$128,000.00
- f) Water distribution system to serve Rivendale Addition - south of 55th Street South, west of Hydraulic. (448-89887/735160/470830) Does not affect existing traffic. (District III) - \$108,000.00
- g) Main 15 Four Mile Creek Sewer - along Greenwich Road north approx. 600 ft. south of Bayley to Kellogg. (468-83586/624504/699004) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$1,500,000.00
- h) 2004 Contract maintenance bridge deck resurfacing of the Harry Street Bridge over Gypsum Creek – east of Woodlawn, on Harry. (472-83919/132716/) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$137,925.00
- i) Improving 119th Street West from 160 ft. south of 17th Street North to 360 ft. south of 21st Street North to provide 2 and 3 lanes with center left turn lane, median, drainage and landscaping - 119th Street West from 17th Street North to 21st Street North. (472-83890/706875/204341) 119th closed to thru traffic for a period of approx. (6) eight weeks. Contractor to maintain access for local traffic. (District V) - \$981,946.50
- j) Victoria Court from Victoria east to and including the cul-de-sac to serve Lots 8 through 19, Block C; Mona from Hydraulic west to the west line of Lot 18, Block A; Ellis from Pattie north to Mona; Victoria from the south line of Lot 6, Block E, north to Mona; Mona Court from Mona north to and including the cul-de-sac; Sidewalk along one side of Mona and Victoria to serve Rivendale Addition - north of 55th Street South, west of Hydraulic. (472-83866/765833/490944) Does not affect existing traffic. (District III) - \$425,000.00
- k) Lateral 15, Main 19, Southwest Interceptor Sewer to serve Ridge Addition - north of 37th Street North, west of Ridge. (468-83736/744024/480712) Does not affect existing traffic. (District V) - \$229,000.00
- l) Water Distribution System to serve Ridge Addition - north of 37th Street North, west of Ridge. (448-89898/735159/470829) Does not affect existing traffic. (District V) - \$110,000.00
- m) Camden Chase from the east line of Peckham to the southwest corner of Lot 1, Block 2, Hawthorne Second Addition; Sidewalk on both sides of Camden Chase from the east line of Peckham to the southwest corner of Lot 1, Block 2 to serve Hawthorne & Hawthorne Second Additions - north of 21st Street North, east of 127th Street East. (472-83849/765830/490941) Does not affect existing traffic. (District II) – \$371,850.00
- n) Camden Chase from the southwest corner of Lot 1, Block 2 to the east line of Lot 8, Block 2, Hawthorne Second Addition; Sidewalk constructed on both sides of Camden Chase from the southwest corner of Lot 1, Block 2 to the east line of Lot 8, Block 1 to serve Hawthorne & Hawthorne Second Additions - north of 21st Street North, east of 127th Street East. (472-83829/765828/490939) Does not affect existing traffic. (District II) - \$183,000.00

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- o) Rosemont from the north line of Camden Chase to the north line of Mainsgate Circle; Rosemont Courts serving Lots 1 to 16, Block 1, Hawthorne Second Addition from the west line of Rosemont to and including the cul-de-sac; Mainsgate Circle serving Lots 17 to 28, Block 1, Hawthorne Second Addition from the west line of Rosemont to and including the cul-de-sac. Sidewalk on one side of Rosemont from Camden Chase to the north line of Mainsgate Circle to serve Hawthorne & Hawthorne Second Additions (north of 21st Street North, east of 127th Street East) (472-83829/765827/490938) Does not affect existing traffic. (District II) - \$293,000.00
- p) Asphalt parking lot north of Central Maintenance Facility - 1801 South McLean Blvd. (472-83952/130807/) Does not affect existing traffic. (District IV) - \$116,000.00
- q) 20th Street North from the east line of Hydraulic to the west line of Piatt to serve Parkview Addition - south of 21st, east of Hydraulic. (472-83651/468-83615/765760/620374/490871/663495) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$170,610.00
- r) St. Paul from the north line of 44th Street South to the south line of Lot 52, Block 2; St. Paul Court serving Lots 4 through 19, Block 6, from the east line of St. Paul to and including the cul-de-sac; Sidewalk on one side of St. Paul from 44th Street South to the south line of Lot 52, Block 6 to serve The Legacy Addition - north of 47th Street South, west of Meridian. (472-83892/765835/490946) Does not affect existing traffic. (District IV) - \$181,000.00
- s) Parkdale from the south line of Lot 1, Block 1, to the north line of Lot 26, Block 1; Bristle Cone from the west line of Lot 1, Block 2, to the north line of Lot 7, Block 2; Bristle Cone Circle from the east line of Lot 1, Block 1, to and including the cul-de-sac; Lantana from the west line of Lot 14, Block 2, to the south line of Lot 8, Block 2; Lantana Court from the east line of Lot 14, Block 1, west to and including the cul-de-sac; Sidewalk on the east side of Parkdale, the south side of Bristle Cone and the north side of Lantana to serve Evergreen 4th Addition - south of 29th Street North, west of Maize. (472-83782/765836/490947) Does not affect existing traffic. (District V) - \$450,000.00
- t) Storm Water Sewer #589 to serve Evergreen 4th Addition - south of 29th Street North, west of Maize. (468-83640/751353/485244) Does not affect existing traffic. (District V) - \$110,400.00
- u) Storm Water Sewer #601 to serve Ridge Addition - north of 37th Street North, west of Ridge. (468-83737/751350/485241) Does not affect existing traffic. (District V) - \$239,000.00
- v) Lake Ridge from the north line of 37th Street North to the south line of Lot 27, Block 1; Lake Ridge Court from the west to Lake Ridge, west and including the cul-de-sac; Lake Ridge Court from the east line of Lake Ridge east to and including the cul-de-sac; Havenhurst Circle from the west line of Lake Ridge, west to and including the cul-de-sac; Sidewalk installed along the east and north sides of Lake Ridge from the north line of 37th Street North to the north line of Lot 7, Block 2 to serve Avalon Park Addition (north of 37th Street North, east of Tyler) (472-83835/765840/490951) Does not affect existing traffic. (District V) - \$344,000.00
- w) Storm Water Drain #213 to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (468-83693/751358/485249) Does not affect existing traffic. (District V) - \$187,710.00
- x) Lateral 41 Main 15 Southwest Interceptor Sewer to serve English Country Gardens Addition - north of 13th Street North, east of Tyler. (468-83755/744038/480726) Does not affect existing traffic. (District V) - \$222,000.00
- y) Storm Water Drain #222 to serve English Country Gardens Addition - north of 13th Street North, east of Tyler. (468-83756/751361/485252) Does not affect existing traffic. (District V) - \$525,000.00
- z) Water Distribution System to serve English Country Gardens Addition - north of 13th Street North, east of Tyler. (448-89912/735171/470841) Does not affect existing traffic. (District V) - \$120,000.00

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aa) Peckham from the north line of Lot 5, Block 1, to the east line of 127th Street East; Mainsgate Circle serving Lots 2 through 14, Block 2, from the east line of Peckham to and including the cul-de-sac; Sidewalk on one side of Peckham from the north line of Lot 5, Block 1, to the east line of 127th Street East to serve Hawthorne Addition - south of 21st Street North, east of 127th Street East. (472-83638/765829/490940) Does not affect existing traffic. (District II) - \$236,340.00

bb) Storm Water Drain #191 to serve Hawthorne Addition - south of 21st Street North, east of 127th Street East. (468-83517/751360/485251) Does not affect existing traffic. (District II) - \$169,000.00

cc) Lateral 348 Four Mile Creek Sewer to serve Woodland Lakes Estates 3rd Addition -north of Harry, west of 127th Street East. (468-83591/744039/480727) Does not affect existing traffic. (District II) - \$67,000.00

dd) (Amended) Cost of Westlake Parkway Phase 1, to serve Fox Ridge Addition – north of 29th Street North, between Maize and Tyler. (472-83784/765810/490-921). (District V) – Total Estimated Cost - \$93,730.00

Motion -- carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

FRONTAGE ROAD

PETITION TO CONSTRUCT A FRONTAGE ROAD ON THE NORTH SIDE OF KELLOGG, FROM 135TH STREET WEST TO APPROXIMATELY 1,300 FEET WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 04-0237

The Kansas Department of Transportation (KDOT) administers a corridor management program to assist local governments with certain roadway improvements to preserve traffic safety and capacity. The Kellogg traffic corridor meets the program guidelines. The program-funding limit is \$250,000 with up to 67% paid by KDOT and the remainder by a local match.

The developer of Auburn Hills 15th Addition has submitted a Petition that provides the local share to construct a frontage road on the north side of Kellogg, from 135th Street West to approximately 1,300 feet west of 135th Street West. The signature on the Petition represents 100% of the improvement district.

The Petition totals \$171,000, with \$56,430 assessed to the improvement district and \$114,570 paid by KDOT.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
-- carried

Mayans moved that the Petition be approved; the Resolution be adopted and the signing of State/Federal agreements be authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-114

Resolution of findings of advisability and Resolution authorizing construction of a two-lane asphaltic concrete mat pavement frontage road on Kellogg from 135th Street west to the west line of Lot 51, Block B, Auburn Hills 15th Addition (north of Kellogg, west of 135th West) 472-83962, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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127TH ST. EAST

PETITION TO PAVE 127TH STREET EAST, FROM PAWNEE TO MT. VERNON. (DISTRICT II)

Agenda Report No. 04-0238

The Petition has been signed by four owners, representing 100% of the improvement district.

127th Street East, between Pawnee and Mt. Vernon, is an old county asphalt road that is in bad condition. The owners of developing properties along the roadway have agreed to fund the cost of new asphalt mat pavement.

The Petition totals \$260,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-115

Resolution of findings of advisability and Resolution authorizing improving 127th Street East, from the north line of Pawnee to the north line of Sierra Hills, an addition to Wichita, Sedgwick County, Kansas, 472-83964, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

GLENWOOD CIRCLE PETITION TO PAVE GLENWOOD CIRCLE IN REED'S COVE ADDITION, SOUTH OF 21ST, EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 04-0239

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide paved access to a new residential development located south of 21st, east of 127th Street East.

The Petition totals \$173,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-116

Resolution of findings of advisability and Resolution authorizing improving Glenwood Circle from the south line of Lot 6, Block 2 and including the cul-de-sac serving Lots 7 through 16, Block 2 (south of 21st Street, east of 127th Street East) 472-83968, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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HYDRAULIC DRIVE PETITION TO PAVE HYDRAULIC DRIVE, SOUTH OF 63RD STREET SOUTH, (DISTRICT III)

Agenda Report No. 04-0240

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide paved access to a group of vacant residential lots on the east side of Hydraulic, south of 63rd Street South.

The Petition totals \$169,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-117

Resolution of findings of advisability and Resolution authorizing improving Hydraulic Drive from the north line of Lot 8, Block 2; to the south line of Lot 2, Block 2, Pine Bay Estates (east of Hydraulic, south of 63rd Street South 472-83967, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CRYSTAL CREEK PETITION TO PAVE STREETS IN CRYSTAL CREEK ADDITION, NORTH OF HARRY, WEST OF GREENWICH. (DISTRICT II)

Agenda Report No. 04-0241

On August 5, 2003, the City Council approved a Petition to pave streets in Crystal Creek Addition. An attempt to award a contract within the budget set by the petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of Harry, west of Greenwich.

The existing Petition totals \$693,000. The new Petition totals \$810,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-118

A Resolution amending Resolution No. 03-431 pertaining to improving Shiloh Street from Harry to the north line of the Plat, on Boston and Zimmerly from the east line of Shiloh Street, to the east line of Shiloh Street. Shiloh Court from the west line of Shiloh Street, to and including cul-de-sac. On Boston Court from the north line of Boston, to and including cul-de-sac. Sidewalk on one side of Shiloh Street, Boston and Zimmerly, (north of Harry, west of Greenwich) 472-83818, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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AUBURN HILLS

PETITIONS FOR STREET PAVING AND DRAINAGE IMPROVEMENTS FOR AUBURN HILLS 15TH ADDITION, WEST OF 135TH STREET WEST, NORTH OF KELLOGG. (DISTRICT V)

Agenda Report No. 03-0242

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving and drainage improvements to a new residential development located west of 135th Street West, north of Kellogg.

The Petitions total \$1,107,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-119

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 223 (west of 135th Street West, north of Kellogg) 468-83759, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-120

Resolution of findings of advisability and Resolution authorizing improving Auburn Hills, from the south line of Lot 42, Block B north to the north line of the Plat, on Monterey, from the west line of Lot 37, Block B, east to Auburn Hills, on Ocala, from the west line of Lot 2, Block C, east to Auburn Hills, on Auburn Hills Ct., from Auburn Hills, west to and including the cul-de-sac (Lots 1 through 4, Block A, and Lots 1 through 6, Block 'B). Sidewalk be constructed along one side of Monterey, Auburn Hills, and Ocala, (west of 135th Street West, north of Kellogg) 472-83930, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-121

Resolution of findings of advisability and Resolution authorizing improving Monterey, from the west line of Lot 37, Block B, north to the south line of Lot 19, Block B, on Ocala, from the south line of Lot 19, Block B, north to the west line of Lot 12, Block B, on Auburn Hills, from Kellogg Drive, north to the south line of Lot 42, Block B. Ocala Ct., from the west line of Monterey, west to and including the cul-de-sac, on Auburn Hills Ct., from the south line of Auburn Hills to and including the cul-de-sac (Lots 10 through 13, Block D). Side walk be constructed along one side of Monterey, Ocala, and Auburn Hills, (west of 135th Street West, north of Kellogg) 472-83931, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Housing Advisory Board, November 18, 2003
District V Advisory Board, January 5, 2004
Wichita Employee's Retirement Board/ Police & Fire, January 8, 2004
Board of Park Commissioners, January 12, 2004
Board of Code Standards and Appeals, February 2, 2004
District V Advisory Board, February 2, 2004
Wichita Public Library, February 17, 2004
Design Council, February 19, 2004

Motion--carried Mayans moved that the minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 04-0243

On December 2, 2003, the City Council approved the reconstruction of 119th Street West between 17th Street North and 21st Street North. The project specifications allow the contractor to completely close the construction area for a period of six weeks. The contractor is required to maintain access to Eberly Court at all times. The complete street closure is scheduled to begin on March 22, 2004, weather permitting, with project completion expected near the end of May.

Ritchie Paving Inc. is now requesting approval of the tentative closure of 119th Street between 17th and 21st from March 22nd through approximately April 3rd.

The contractor is responsible for the placement of required construction signs and barricades and notification of area businesses and residents.

During the closure, 119th Street West traffic will be detoured as follows:

Southbound 119th Street West: 21st Street- Maize Road – 13th Street – 119th Street
Northbound 119th Street West: 13th Street – Maize Road – 21st Street – 119th Street

Motion--carried Mayans moved that the street closure be approved. Motion carried 7 to 0.

(Agenda Items No. 24)

WEAPONS

WEAPONS DESTRUCTION:

Agenda Report No. 04-0244

The Police Department has requested authorization to destroy several weapons, which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. A list of weapons being destroyed has been provided and includes a total of 159 handguns and 88 long guns. The destruction of the weapons will be witnessed and monitored by Staff.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Council Member Gray Council Member Gray stated that there are approximately 280 firearms that are intended to be disposed of in this action and that similar cities around the City of Wichita, dispose of all their firearms that are ceased by either destruction of some, but most of them are sold in either bulk or individually to licensed

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federal firearms dealers. Stated that this is quite common to do and would propose that the City Council change this from destroying firearms to formulate a method to sell them to licensed Federal Firearms Dealers. This could equate to several hundred thousand dollars of revenue brought into the City of Wichita. Stated that he has spoken with a few of the local area firearm dealers and they have all taken part in the bidding process with these other cities to purchase firearms. They looked at the list that the Council received and said that some of these guns are not good to put back out into the market and that they should be destroyed, which he estimated to be 10 to 20% of them.

Council Member Lambke Council Member Lambke stated that he is going to support the action that Council Member Gray is requesting to take. Stated that this was proposed several years ago to the Council and the sale of these weapons was discouraged claiming that they would increase the number of guns in the hands of the people in the community. Stated that he feels that it would not increase the number of guns because the dealers are going to sell the guns to qualified buyers and you can generate a little revenue in the process.

Council Member Brewer Council Member Brewer stated that he has concerns with putting a gun back out on the street, which was taken away from a criminal. Stated that he does not believe that if a gun has been involved in a crime that we as elected officials should turn around and put the gun back out on the street. Stated that he does not feel that this is worth doing.

Gary Rebenstorf Mr. Rebenstorf explained that there is a State Statute that for the disposition of weapons that are seized in a crime and those cases are involved in state court. The state law says that those weapons cannot be sold and there has been an attorney general opinion that follows up with that. The City Ordinance is different from state law. The City Ordinance says that the Judge shall order the firearm to be forfeited to the City to be disposed of by the Police Department or the Police Department can take the weapon and sell it to a firearms dealer but the materials that would be used then would be for the benefit of the Police Department. The Attorney General's Opinion says that cities have the Home Rule Power to enact an Ordinance as to the disposition of the weapons. When the City Council adopted the current Ordinance they were using their Home Rule of Powers to say the weapons will be disposed of in this fashion. The City also has the authority to say that the weapons can be disposed of by selling them to firearms dealers and this would require an Ordinance change from the current language. Stated that you would have to keep in mind that when the Police Department goes through these weapons, they would have to distinguish between the ones that are in state court and the ones that are in municipal court. There would be an effort to have to distinguish those because the state law does not allow those to be sold.

Council Member Fearey Council Member Fearey stated that she is against changing an Ordinance today on an Items that has been pulled off the consent agenda. Stated that the Council should go ahead and approve the recommended action and have further discussion at a later time and to also allow public input on this issue.

Gary Rebenstorf Mr. Rebenstorf explained that if you want to take the current Ordinance and propose an amendment to it, then it would come back to the Council for first reading and then there would be a public hearing.

Motion-- Gray moved not to destroy these firearms at this time and have the Legal Department propose and draft an amendment to the current Ordinance to give the City of Wichita authorization to sell these firearms to licensed Federal Firearms Dealers only. Motion carried 5 to 2. (Fearey and Brewer-no)
--carried

CLAIMS

REPORT ON CLAIMS ALLOWED - 2004:

<u>Name of Claimant</u>	<u>Amount</u>
Dorsett, Michael	\$973.42
Edwards, James	\$500.00
McIlvane, Joe	\$3,449.39
Moore Engineering Services	\$8,096.00 **

** Settled for lesser amount than claimed.

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Motion--carried Mayans moved that the report be received and filed. Motion carried 7 to 0.

EAGLES LANDING **THREE AGREEMENTS TO RESPREAD ASSESSMENTS: EAGLES LANDING AT NORTH OLIVER THIRD, SOUTH OF 45TH STREET NORTH AND WEST OF OLIVER. (DISTRICT I)**

Agenda Report No. 04-0245

The landowner, Leewood Homes, Inc., platted Eagles Landing at North Oliver 3rd Addition and has submitted three Agreements to respread special assessments within the Addition.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreements is to respread special assessments on a fractional basis for each lot. Without the Agreements, the assessments will remain spread on a square foot basis.

There is no cost to the City.

Motion-- Mayans moved that the three Agreements be approved and the necessary signatures authorized.
--carried Motion carried 7 to 0.

HAWTHORNE ADD. **RELOCATION OF UTILITIES ALONG CAMDEN CHASE, ROSEMONT AND WILLIAMSGATE STREETS IN HAWTHORNE ADDITION, NORTH OF 21ST STREET NORTH, EAST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 04-0246

On September 9, 2003, the City Council approved Petitions to construct paving to a new development in Hawthorne Addition, located east of 127th St. E. and north of 21st St. N. A natural gas pipeline will need to be relocated as a part of these projects.

Estimated costs to relocate the KANEB gas pipeline is \$44,000

Funds are available in the projects to provide for utility relocation costs. The funding source is special assessments, with 70 percent to be charged to Rosemont Phase A (472-83829), and 30 percent to be charged to Rosemont Phase 1A (472-83828).

Motion-- Mayans moved that the Contract be approved and the necessary signatures authorized. Motion
--carried carried 7 to 0.

KANSAS AVIATION MUSEUM **KANSAS AVIATION MUSEUM, KDOT SUPPLEMENTAL AGREEMENT. (DISTRICT III)**

Agenda Report No. 04-0247

On May 7, 1996, the City Council approved an agreement with the Kansas Department of Transportation (KDOT) for the renovation of the former Wichita Municipal Air Terminal. Phase I renovation work for roofing, door and masonry restoration has been completed. On October 13, 1998, the City Council approved an agreement with the KDOT for Phase II renovation work. On January 25, 2000, the City Council approved a supplemental agreement to allow for KDOT non-participating project costs as required by the Comprehensive Transportation Program. Bid of Phase II renovation work September 15, 2000 was unsuccessful with the only bidder exceeding the Engineer's Estimate. Since then additional funding for the project has been sought. On May 6, 2003, the City Council approved \$150,000 as a deferred loan funded from the CDBG Historic Preservation Loan program that was needed for the local match requirement.

The supplemental agreement incorporates \$150,000 of Section 330, FY 2002 KDOT Appropriations Act (Public Law 107-87) funding in the agreement for Phase II renovation work.

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The supplemental agreement provides that KDOT will reimburse the City for 100 percent of the approved costs up to \$150,000 and 80 percent of additional approved costs up to \$750,000 for Phase II improvements. The CDBG Historic Preservation Loan Program provides deferred loan funding for the local match of \$150,000.

Motion--
--carried

Mayans moved that the supplemental agreement be approved; and the signing of state/federal agreements and the project funding be authorized. Motion carried 7 to 0.

RELOCATION OF UTILITIES

RELOCATION OF UTILITIES ALONG WEBB ROAD, SOUTH OF 21ST STREET NORTH. (DISTRICT II)

Agenda Report No. 04-0248

On June 17, 2003, the City Council approved a Petition to improve paving to a new development in Handley 2nd Addition, located south of 21st St. and east of Webb Road. Utilities will need to be relocated as a part of this project.

Estimated costs to relocate Westar lines are \$11,840.96

Funds are available in the project to provide for utility relocation costs. The funding source is special assessments.

Motion--
-- carried

Mayans moved that the Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

LIQUOR TAX

RFP FOR ADMINISTRATION OF THE SPECIAL LIQUOR TAX PROGRAM.

Agenda Report No. 04-0249

In December of 1999, the City Council approved privatization for the administration of the Special Liquor Tax dollars. An administration services Request for Proposals (RFP) was initiated and COMCARE of Sedgwick County was approved as the program administrator in March 2000. The City Council renewed the contract in 2001, 2002, and 2003.

A new administration services RFP was issued in February 2004 and two proposals were received in response. The RFP Scope of Services outlined the required tasks associated with administration of the program. These tasks include: (1) monitor and refine the outcome-based measurements developed to evaluate Special Liquor Tax Program providers; (2) provide financial program management by reviewing and approving invoices submitted by providers; (3) provide support to the Special Liquor Tax Coalition; (4) develop the RFP for service providers, case management programs, and pilot programs; and, (5) provide a final provider report which includes recommendations on future funding to providers, based upon outcome measurements and issues/needs defined by the coalition, includes annual Coalition activities, and makes recommendations on funding pilot programs.

A Selection Committee comprised of representatives from the private sector and city government reviewed the two proposals and interviewed staff of the proposing entities. The Selection Committee ranked the proposals and unanimously recommended the proposal submitted by COMCARE of Sedgwick County.

Strengths of the COMCARE Proposal included: (1) four-years experience in administering the program during which a familiarity and experience with the City's outcome-based measurement process was developed; (2) availability of quality staff with the experience and capabilities to manage this program; (3) demonstrated skills to provide the requested services within the time frame allowed, and with the ability to build and sustain a coalition of individuals that are knowledgeable about the alcohol and substance abuse field; and, (4) it was the most economical proposal submitted.

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Under the COMCARE Proposal the specified services will cost an annual total of \$98,429, an increase of \$9,429 over their current annual contract. The City will use Special Liquor Tax funds it receives from the State of Kansas to pay contract costs. The contract will not obligate general fund monies.

Approval as to form by the Department of Law will be obtained prior to the execution of the contract.

Motion-- Mayans moved to select a provider of Special Liquor Tax administration services; approve the development of a contract with the chosen provider, and authorize the necessary signatures
--carried Motion carried 7 to 0.

ARTERIAL STREET DESIGN SERVICES FOR 2004 ARTERIAL STREET DESIGN - WESTPORT AT MAIZE INTERSECTION. (DISTRICT V)

Agenda Report No. 04-0250

The 2004 Capital Improvement Program (CIP) includes funding for arterial street design projects. The design of the improvement of the intersection of Westport at Maize is one of 21 such projects contained in the CIP. The Staff Screening and Selection Committee selects design engineers for each project.

On October 22, 2003, MKEC Consultants was selected by the Staff Screening & Selection Committee to provide design services for the improvements to the intersection of Westport at Maize. The design fee is \$16,160.

The budget contained in the 2004 CIP is \$300,000, with \$270,000 to be paid by Federal grants administered by the Kansas Department of Transportation and \$30,000 by the City-at-Large. Design costs of \$25,000 is being requested at this time.

Motion-- Mayans moved that the design project be approved; the Ordinance be placed on first reading; the design agreement approved and the signing of City/State agreements as required be authorized.
--carried Motion carried 7 to 0.

AUBURN HILLS DESIGN SERVICES FOR AUBURN HILLS 15TH ADDITION, WEST OF 135TH STREET WEST, NORTH OF KELLOGG. (DISTRICT V)

Agenda Report No. 04-0251

The City Council approved the water distribution system, storm water drainage, sanitary sewer and paving for Auburn Hills 15th Addition on January 6, 2004.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system, storm water drainage, sanitary sewer and paving in Auburn Hills 15th Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$64,500, and will be paid by special assessments.

Motion-- Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion
--carried carried 7 to 0.

NORTHRIDGE PLAZA NORTHRIDGE PLAZA ADDITION, NORTH OF 37TH STREET NORTH, WEST OF RIDGE. (DISTRICT V)

Agenda Report No. 04-0252

The City Council approved the storm water drainage in Northridge Plaza Addition on February 3, 2004.

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The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of storm water drainage in Northridge Plaza Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.
Payment to Baughman will be on a lump sum basis of \$13,200, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

RIVENDALE ADD.

RIVENDALE ADDITION, NORTH OF 55TH STREET SOUTH, WEST OF HYDRAULIC. (DISTRICT III)

Agenda Report No. 04-0253

The City Council approved the water distribution system, storm water sewer, sanitary sewer and paving for Rivendale Addition on October 21, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system, storm water sewer, sanitary sewer and paving in Rivendale Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$95,700, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

HAWTHORNE ADD.

HAWTHORNE ADDITION, NORTH OF 21ST, EAST OF 127TH STREET. (DISTRICT II)

Agenda Report No. 04-0254

The City Council approved the storm water drainage in Hawthorne Addition on October 22, 2002.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of storm water drainage in Hawthorne Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$12,150, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

WOODLAND LAKES

WOODLAND LAKES ESTATES THIRD ADDITION, SOUTH OF LINCOLN, WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 04-0255

The City Council approved the water distribution system, sanitary sewer and paving in Woodland Lakes Estates 3rd Addition on March 18, 2004.

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The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer and paving in Woodland Lakes Estates 3rd Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$25,125, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

AVALON PARK

AVALON PARK, NORTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT V)

Agenda Report No. 04-0256

The City Council approved the water distribution system, sanitary sewer, storm water drainage and paving in Avalon Park on September 9, 2003.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer, storm water drainage and paving in Avalon Park. Per Administrative Regulation 7a, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$56,200, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

NORTHRIDGE ADD.

NORTHRIDGE ADDITION, NORTH OF 37TH STREET NORTH, WEST OF RIDGE. (DISTRICT V)

Agenda Report No. 04-0257

The City Council approved the water distribution system, storm water sewer, sanitary sewer and paving for Northridge Addition on November 18, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system, storm water sewer, sanitary sewer and paving in Northridge Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$59,600, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

SKATE PARK

WICHITA SKATE PARK. (DISTRICT I)

Agenda Report No. 04-0258

On February 5, 2002, the City Council approved a Skate Park for the City of Wichita. A Skate Park Committee comprised of local skateboard/skater enthusiasts and City staff has completed a Schematic/Conceptual Design for the park facility.

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The Skate Park, pending final approval from the Kansas Department of Transportation (KDOT), will be constructed below the Kellogg Flyover at St. Francis Street extending west to Emporia Street. Construction of the Skate Park below the Flyover will provide skate park users with protection from the elements.

The City requested proposals (FP300099) from qualified firms to provide design services for construction of the Skate Park in December 2003. Six firms responded as follows: BG Consultants, Inc., CA Skateparks, Grindline Skateparks, Inc., Law/Kingdon, Inc., McCluggage Van Sickel & Perry Corp., and Site Design Group, Inc. The Staff Screening and Selection Committee interviewed CA Skateparks and Law/Kingdon, Inc. The firm of CA Skateparks was selected for the project based on commitment to meeting the schedule, firm experience with similar projects, approach to the project and competitive fee for services. Fees will not exceed \$45,525, which includes any reimbursable expenses.

Funding for the project is provided by the 2004-2013 Capital Improvement Program (P391005, Project No. 392159, OCA No. 785027) in the amount of \$150,000 General Obligation Bonds and \$200,000 other in 2004.

Motion--
--carried

Mayans moved that the Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

RIVERSIDE PARK

IMPROVEMENTS TO CENTRAL RIVERSIDE PARK - CHANGE ORDER NO. 7. (DISTRICT VI)

Agenda Report No. 04-0259

On February 4, 2003, the City Council approved increasing the budget for improvements to Riverside Park from \$5,000,000 to \$5,450,000 and awarding the contract (excluding street work) to Robl Construction, Inc.

Robl Construction's contract includes improvements and modifications to enhance the public's recreational/cultural experience in Central Riverside Park, an area including Park Villa, and Oak Park. This includes constructing ponds, walks, a fountain, and other site features throughout a large park. Extensive coordination has been required between the designers, contractors, artists, park maintenance people, and the various utilities. In addition, issues have arisen from unanticipated soil conditions, changing ADA rule interpretations, and lessons learned from other recently completed projects. As this project is nearing completion, there have been numerous small changes that have been required to solve problems, facilitate coordination, reduce maintenance costs, and/or allow the project to be finished properly. Where appropriate, the cost to the City has been reduced by the contractors and designers sharing all or part of the cost of necessary changes.

The following Items are included in Change Order Number 7 and are the result of unanticipated conditions discovered in the process of construction:

1. Install (3) blow-down points in fountain supply piping.
(Requested by City to reduce maintenance costs.) \$217
2. Install (1) 3" Mueller MJ gate valve and fittings on fountain drain line, and install (1) 3" Mueller MJ gate valve and fittings on fountain supply line from the fountain vault. (Requested by City to reduce maintenance costs.) \$1,366
3. Install (2) shut off valves and (2) meter cans with steel lids, and install an additional supply line to the down side of the streambed in Oak Park
(Requested by City to improve function and ease maintenance.) \$1,138
4. Furnish and install concrete pads and benches at the pond aerator and fiber optic equipment locations to screen the equipment and protect it from damage and/or vandalism. (Requested by City to better protect the equipment.) \$6,135
5. Relocate pond aeration equipment to new location in concrete pads
(This is associated with #4 above) \$1,140
6. Furnish (8) 8 ft. long fiber optic harnesses for the pond Water Lily features.
(Neither artist or electrician had included due to misunderstanding.) \$1,368
7. Purchase 45 mil EPDM liner for bottom of lake to stop leakage. (This is value

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	added to the project. Contractor and designer paid all costs associated with draining lake, installing liner, and refilling lake.)	\$2,273
8.	Modify grading near Celebration Plaza. (This was requested by City to improve drainage and ease maintenance. Since the initial grading was the result of miscommunication, the total cost of \$4,710 was shared equally by the contractor, the designer and the City.)	\$1,570
9.	Install concrete pads in lieu of pavers at anchor points for benches at Celebration Plaza and at Lookout area. (Requested by City to improve anchoring, reduce maintenance, and reduce vandalism/theft.)	\$2,957
10.	Install additional stone edging and limestone around existing tree in the north portion of strolling path. (Strolling path was laid out to miss all significant trees except one. City decided to install path around the tree rather than cut it down, resulting in use of more materials.)	\$1,344
11.	Install concrete encasement around sanitary sewer cleanouts. (Requested by City to reduce damage caused by tractors mowing grass.)	\$ 476
12.	Install brick detectable warning surface at the new handicapped ramp on Park Street south of Park Villa. (This was to accommodate a new ADA interpretation after the work was originally bid.)	\$ 196
13.	Widen the concrete crossing at the southeast portion of the strolling path from 8 ft. to 12 ft. (Requested by City to reduce risk of damage when crossing with larger service trucks and maintenance equipment.)	\$ 538
14.	Install brick detectable warning surface in handicapped ramp at the Murdock roundabout. (Contractor removed and replaced ramp at his expense due to his error. During this time, a new ADA interpretation required the brick to be added which was not in the original bid.)	\$ 784
	Total cost of Change Order No. 7	\$21,502

This Change Order, in the amount of \$21,502 will be funded from the project budget. (Project No. 390148, OCA No. 785016) The total Change Orders represent 5.61% of the original contract. The unencumbered balance is \$526,654.09.

The total Change Order amount to date is within 10% of the construction contract limit set by City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

WATERFRONT ADD. LEFT AND RIGHT TURN LANES ON WEBB ROAD TO SERVE THE WATERFRONT ADDITION, NORTH OF 13TH, EAST OF WEBB-CHANGE ORDER. (DISTRICT II)

Agenda Report No. 04-0260

On March 25, 2003, the City Council approved a project to construct left and right turn lanes on Webb Road to serve The Waterfront Addition, a new commercial development located north of 13th, east of Webb. Part of the work includes construction of a new reinforced concrete box culvert (RCBC). It has been determined that the project needs to be modified to lengthen the box to improve access to a lot in the development. In order to provide cross lot access, the RCBC needs to be extended.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$39,430. The original contract amount is \$265,351. The Change Order represents 14.86% of the original contract amount. The funding source is special assessments.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

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Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

SURPLUS PROPERTY SALE OF SURPLUS PROPERTY: ADDENDUM TO SALE CONTRACT FOR SURPLUS PROPERTY LOCATED ADJACENT TO 310 WEST CENTRAL. (DISTRICT VI)

Agenda Report No. 04-0261

On December 16, 2003, the City Council approved a contract for the sale of 3,721 square feet of surplus land adjacent to 310 West Central to the adjacent property owners. They have utilized the parcel since 1983 under a Minor Street Privilege Permit. The site has been landscaped and incorporated into their parking lot. Subsequent to the approval of the contract, it was learned that the sale parcel was encumbered with an easement for street right of way, which will need to be vacated to allow the transfer of title.

The addendum extends the closing date to allow for the vacation. It also fixes the date from which the minor street permit payment shall be prorated. The Buyer is responsible for requesting the vacation and the costs will be deducted from proceeds at closing. Finally, it provides that if the vacation is not approved, the proposed sale will be voided and the parties returned to their current positions.

The City will receive cash consideration from the sale of the property at closing and the tract will return to the tax rolls.

Motion--
--carried

Mayans moved that the Addendum to the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 7 to 0.

CONDEMNATION REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 04-0262

On March 1, 2004 the Board of Code Standards (BCSA) held a hearing on the following five (5) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

Property Address	Council District
a. 4229 East Whitney	III
b. 319 South Erie	I
c. 1225 South Vine	IV
d. 1330 South Millwood	IV
e. 3015 North Park Pl. (Front)	VI

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--
--carried

Mayans moved that the Resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on May 4, 2004, at 9:30 a.m., or as soon thereafter be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 04-107

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 68, Block P, Planeview Sub. No. 1 known as 4229 East Whitney, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-108

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 27-29, Block 1, Harris & Hoffelds Sub. in Imboden and Oliver's Addition, Sedgwick County, Kansas known as 319 South Erie, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-109

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as E. 99.5 ft. Lot 19 & Exc. s. 8.5 ft. W. 23 ft. Lot 19 & E. 76.5 ft. Lot 21, Block 21 Replat Pt. Of John McCormick's Add. known as 1225 South Vine, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-110

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as Lots 22-24-26, Block B, Wheeler's Add. to Wichita, Sedgwick County, Kansas known as 1330 South Millwood, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-111

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as Lots 37-38, Block 26, Jones Park Add. to North Wichita, Kansas, Sedgwick County, Kansas known as 3015 North Park Place (front), may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

PURCH ORDERS/ CONTRACTS

BLANKET PURCHASE ORDERS RENEWAL OPTIONS, FEBRUARY 2004 AND PROFESSIONAL CONTRACTS UNDER \$10,000, PURCHASE ORDERS FOR FEBRUARY 2004.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

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ADULT CARE

RENEWAL OF ADULT CARE HOME INSPECTION GRANT.

Agenda Report No. 04-0264

The Environmental Health Department assists staff from the Kansas Department of Health and Environment, upon request, in inspections and investigation of complaints in adult care facilities within Sedgwick County. KDHE provides an annual grant to fund these activities, and has offered renewal of the grant for state fiscal year 2004.

The vast majority of adult care home regulatory activities are carried out by Kansas Department of Health and Environment staff. The grant provides KDHE with local resources when state staff are unavailable or require assistance.

The grant amount for state fiscal year 2004 totals \$30,000. Funds received help support the Child Care Licensing program. Nurses assigned to Child Care Licensing provide assistance to KDHE adult care home surveyors upon request.

Motion--
--carried

Mayans moved that the acceptance of the grant be approved and the necessary signatures authorized. Motion carried 7 to 0.

FIREFIGHTERS RELIEF FUND

DECLARATION FOR PARTICIPATION IN FIREFIGHTERS RELIEF FUND FOR 2003.

Agenda Report No. 04-0265

The Declaration for Participation must be executed and filed each year to allow the local Firefighters Relief Association to participate in the distribution of the State Firefighters Relief Fund Tax. This Firefighters Relief Fund Tax distribution will be from all fire and lighting insurance premiums collected. The certification indicates that the Wichita Fire Department is a full paid, public fire department with 385 salaried firefighters, and has fire apparatus and necessary equipment that is in serviceable condition with a value exceeding \$20,000,000.00.

By State Statute, two percent of the total premium on fire and lighting insurance written within the State during a calendar year goes to the Commissioner of Insurance to establish the State Firefighter's Relief Fund. After certain payments required by law, the balance of the fund is paid to local Firefighters Relief Associations to be used for benefits for fireman injured, disabled, or killed in the line of duty, payment of funeral expenses, payment of a pension benefit for full-time fireman who are unfit for service after serving 20 years with the department, and to purchase insurance which would provide any of the listed benefits. The Wichita Fireman's Relief Association received \$730,518.68 in the 2002 distribution and received \$773,382.52 in the 2003 distribution. Distribution of the fund to over 550 associations throughout the state is calculated using the valuation and population of the area the department provides fire protection for. The City of Wichita has had a Wichita Fireman's Relief Association since 1896 and has participated in the State Firefighters Relief Association for more than 80 years. The certification is for calendar year 2004.

The Firefighters Relief Fund was created by K.S.A. 40-1701, et seq., and K.A.R. 40-10-1, et seq.

There will be no expense to the City.

Motion--
--carried

Mayans moved that the Declaration for Participation in the Firefighters Relief Association for 2004 ,be approved and the necessary signatures authorized. Motion carried 7 to 0.

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CLEAN WATER

KDHE KANSAS CLEAN WATER GRANT.

Agenda Report No. 04-0266

This project is a mechanism for collecting and sharing water quality information. Local Arkansas River experts will act as "River Ambassadors," talking with and working among the attendees of the Wichita River Festival, answering questions concerning the current conditions of local water quality. An on-site survey will be conducted to gauge the public's in-home practices related to water quality. The program also will disseminate water quality information to the public. Participants will be encouraged to sign the Clean Water Pledge, supporting water conservation. This is a continuation of the project that was initiated in 2003. Ambassadors will be working May 15th to reach the greatest number of people in one day of the 10-day event.

The City has prepared an on-line grant application for submission to the Kansas Department of Health and Environment (KDHE). The grant application was developed in consultation with City staff from Environmental Health and Water and Sewer, with the Department of Environmental Health serving as the lead.

The City is requesting a total of \$2,000. The grant requires a 40% cash or in-kind match. The in-kind match is based on staff's salaries.

Motion--
--carried

Mayans moved that the grant application be approved; the necessary signatures be authorized and the Acting City Manager be authorized to sign the grant award.. Motion carried 7 to 0.

TRANSFER OF TITLE TRANSFER OF TITLE TO LAND.

Agenda Report No. 04-0267

Two parcels of land, one at 1425 South Ridge Road and the other at 4700 North Webb Road were acquired through eminent domain in 2003 for runway protection at Mid-Continent Airport and Jabara Airport respectively. In both instances, the City of Wichita was the condemning authority. Upon completion of the actions, title to the tracts was vested in the City of Wichita.

The properties were acquired for airport use and paid for with airport funds. In the case of 4700 North Webb Road, the Federal Aviation Authority will reimburse the Wichita Airport Authority for part of the acquisition costs. These properties are to be incorporated into the respective airports. To accomplish this, the tracts must be titled in the name of the Wichita Airport Authority. To accomplish this, quitclaim deeds have been drafted granting title in the tracts from the City of Wichita to the Wichita Airport Authority.

Motion--
-- carried

Mayans moved that the transfers be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION BY EMINENT DOMAIN OF TRACTS REQUIRED FOR THE WATERWALK PROJECT. (DISTRICT VI)

Agenda Report No. 04-0268

The WaterWalk project requires the acquisition of all the property between Kellogg and Waterman and Main Street and the Big Arkansas River. One tract, consisting of two vacant lots totaling 14,000 square feet remains to be acquired. The parcel is located at the northeast corner of Water and Dewey.

City staff and consultants hired by the City have been attempting to negotiate a purchase of the identified properties but have been unable to reach an agreement with the owner. The City has offered \$200,000 based on prior discussions with the owner as to the value. The owner has countered at

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\$500,000. Staff will continue to negotiate with the owners, but due to the construction schedule for the project, eminent domain proceedings need to be initiated.
The cost of these acquisitions will be paid for from the approved WaterWalk project budget.

Motion--
--carried

Mayans moved that the Resolution be adopted; the Ordinance placed on first reading; and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-122

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned Waterwalk Redevelopment Project, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance determining the necessity for acquiring certain real property and providing that the cost of said acquisition shall be paid by the City of Wichita, Kansas, at large through the issuance of general obligation bonds of the City of Wichita, Kansas, under the authority vested in the City under Article 12, Section 5 of the Constitution of the State of Kansas, introduced and under the rules laid over.

ARTERIAL SIDE- WALKS

2004 ARTERIAL SIDEWALK AND WHEELCHAIR RAMP PROGRAM, PHASE I, (DISTRICTS I, II, AND III)

Agenda Report No. 04-0269

The Capital Improvement Program (CIP) includes an ongoing project to install sidewalks along arterial streets and wheelchair ramps at various locations in the City, as part of our efforts to retrofit the entire City as required by the Americans With Disabilities Act. The sidewalk locations have been reviewed and are supported by affected District Advisory Boards.

Analysis: The 2004 arterial sidewalk locations are:

25th, Poplar to Ash
Lincoln, Mosley to St. Francis
Mt. Vernon, St. Francis to Broadway
Hydraulic, Fortuna to 50' south of I-135
Douglas, Glendale to Woodlawn

The budget contained in the 2004 CIP is \$950,000, with \$900,000 for wheelchair ramps and \$50,000 for arterial sidewalk construction. Authorization for \$450,000 is requested at this time to construct the arterial sidewalks listed above and a portion of this years wheelchair ramps. Authorization for the remaining budget will be requested later this year. The funding source is General Obligation Bonds and is in the current CIP.

Motion--
--carried

Mayans moved that the project be approved; the Resolution be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-123

A resolution finding it necessary to make certain improvements to construct sidewalk along 25th Street, Poplar to Ash, Lincoln, Mosley to St. Francis, Mt. Vernon, St. Francis to Broadway, Hydraulic, Fortuna to 50 feet south of I-135 Freeway, and Douglas, Glendale to Woodlawn and Wheelchair Ramps at various locations (2004 arterial Sidewalk and Wheelchair Ramp Program) Project Number 472-83966, and authorizing the issuance of Bonds by the City of Wichita at large, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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BLEACHER SEATING CONVENTION HALL LOGE/BLEACHER SEATING.

Agenda Report No. 04-0270

The existing retractable seating on the floor of Convention Hall, which was original equipment when the building was constructed, is outdated, requires considerable maintenance due to repeated use, and does not meet current standards for safety per the International Building Code (IBC) and handicapped accessibility per the Americans With Disabilities Act (ADA).

On December 17, 2002, the City Council approved the project, and approved a contract with Schaeffer Johnson Cox Frey (SJCF) to design new seating for Convention Hall.

The architect has completed the design bid documents.

Funding for the project is provided by the 2004 – 2013 Capital Improvement Program (CIP) (PB-354002, Project No. 435353, OCA No. 792383) in the amount of \$1,500,000 in 2004 and \$600,000 in 2005.

Motion--
-- carried

Mayans moved that the construction be approved; the Resolution be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-124

A Resolution amending Resolution R-02-570 by increasing the bonding authority in Section 2 of Resolution No. R-02-580 from \$50,000 to \$2,150,000 pertaining to the design of replacement bleacher seating for Convention Hall in Century II, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

HEALTH

APPLICATION FOR KANSAS HEALTH FOUNDATION RECOGNITION GRANT.

Agenda Report No. 04-0271

The Orchard Recreation Center, located at 4808 West 9th Street in District VI, has operated a small fitness center for the past four years. The fitness center is furnished with cardio vascular equipment, free weights and other fitness items necessary for exercise. A monthly usage fee is collected to help offset the cost of operating the facility. Attendance at the Orchard Fitness Center has averaged about 3,000 participants per year over the past four years. Revenue for 2003 was \$4,050. Total revenue since opening the Fitness Center is \$14,068.

The Recreation Division of the Park and Recreation Department is requesting that the City Council approve a grant application to the Kansas Health Foundation in the amount of \$5,950. The grant money will be used to purchase additional fitness equipment geared towards senior citizens. The Division's goal is to provide additional fitness opportunities for seniors and to help educate them in the benefits derived from exercise. Exercise can help prevent long-term illnesses. Purchasing this equipment will make the Fitness Center more attractive, increase usage of the facility and increase revenues.

The estimated total cost for the grant project is \$5,950.

Motion--
-- carried

Mayans moved that the grant application be approved and the necessary signatures be authorized. Motion carried 7 to 0.

KS. HEALTH FOUND KANSAS HEALTH FOUNDATION GRANT APPLICATION.

Agenda Report No. 04-0272

The Kansas Health Foundation administers a recognition grants program that awards up to \$25,000 to tax-exempt, non-profit organizations that use the funds for projects that meet the Foundation's mission

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of improving the health of Kansans. The Wichita Public Library, in partnership with public libraries in Colwich, Haysville, Mount Hope and Mulvane, wishes to seek funding to underwrite costs related to an analysis of summer reading programs. The study will benchmark the existing status and quality of summer reading programs, will offer guidance on ways to improve programs and will provide recommendations for an adaptive statewide model for increasing collaborative, effective library outreach services to children and families.

Since the fall of 2001, funding from the Leonard and Celia Levand Trust has enabled public libraries serving Sedgwick County to work cooperatively to enhance the quality and quantity of summer reading services available to children and families from throughout the county. While there is anecdotal evidence to support the positive impact of summer reading programs on juvenile literacy and the benefits gained through the cooperative planning, library staff recognize the importance of being able to better determine the community impacts of the programs and services both to ensure that residents are receiving an appropriate return on their investment and so that the libraries can continue to make this programming attractive to private funding sources.

The grant application seeks \$21,485 in funding. \$750 per library will offset local library costs related to the analysis. The remaining funds will underwrite expenses of Wichita State University's Self Help Network to conduct, analyze and report their findings on the status of summer library reading programs and ways to make them more attractive and useful to children and families.

Motion--carried

Mayans moved that the submission of the grant application be endorsed. Motion carried 7 to 0.

SETTLEMENT

SETTLEMENT OF LITIGATION-CASE NO. 03 CV 1825. (DISTRICT I)

Agenda Report No. 04-0273

In 2003 the City of Park City filed suit against the City of Wichita seeking to establish its right to prevent Wichita's growth into areas that had been identified as part of its sewer service area when it constructed its sewer treatment facility. These disputed areas are located generally between 45th Street North and 53rd Street North from I-135 to Oliver Street.

Negotiations between staff of both cities have resulted in a boundary line that appears to serve the immediate and long-range purposes of both cities. An agreement to accept that boundary line has been prepared as an agree-upon resolution of the pending lawsuit.

There are no direct financial considerations. The defined boundary makes planning and financing of future infrastructure more predictable.

Motion--

Mayans moved that the Settlement Agreement be approved; the necessary signatures be authorized; and the City Attorney be authorized to take appropriate steps to settle the pending litigation upon execution of the Settlement Agreement by the City of Park City. Motion carried 7 to 0.

-- carried

FUNDING ALLOC.

HOME SUPPLEMENTAL FUNDING ALLOCATIONS.

Agenda Report No. 04-0295

The HOMEownership 80 and Deferred Loan Programs are funded from the City's annual HOME grant, and are administered by the City's Housing Services Department. The HOMEownership 80 program assists low-income (up to 80% of median) homebuyers with zero-interest, deferred loans for down payments and closing costs involved in the purchase of a home. The program also provides a loan for minor rehabilitation, following closing. The Deferred Loan Program assists very-low-income (up to 50% of median) homeowners residing in the City's Local Investment Areas with zero-interest deferred loans for the purpose of rehabilitating an owner-occupant residence.

During the 2003-2004 Consolidated Plan funding allocation process, \$610,049 was allocated for the HOMEownership 80 program. An additional \$125,000 in funding for the program was approved by the

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Council on January 13. Since July 1, 2003, current and prior year funding of \$654,586.34 has been expended to assist 37 families purchase a home. Program usage has increased significantly due to increased single-family housing production by the City's Community Housing Development Organizations (CHDOs), and increased awareness of the program. In addition, new single-family housing developments currently under construction by Power CDC and Mennonite Housing in Northeast Wichita, as well as Central Plains Development in Planeview will necessitate increased funding to assist homebuyers purchasing homes in these developments.

Further, during the 2003-2004 Consolidated Plan funding allocation process, \$100,000 was allocated for the Deferred Loan Program. The Deferred Loan program has committed all funding allocated for the 2003-2004 program year, and requires additional funding in order to serve families on the waiting list.

HOME regulations permit the retention of up to 10% of program income receipts for administrative expenses, such as staff salaries, information/technology user expenses, office supplies, audit expenses, etc. The Housing Services Department is fully funded by Federal programs. Thus, staff recommends retention of a portion of the program income receipts for HOME program administrative expenses.

Housing Services staff is requesting an additional \$425,000 in funding for the HOMEownership 80 Program, an additional \$100,000 in funding for the Deferred Loan Program and \$20,000 for HOME Program administrative expenses, utilizing program income receipts.

Increased funding for the HOMEownership 80 and Deferred Loan Programs is available as a result of the receipt of program income. Program income has accumulated, primarily from the repayment of loans and completed CHDO projects. Program income can only be utilized for HOME-eligible projects and expenses.

The proposed funding allocations do not require an amendment to the City's Consolidated Plan.

Motion--
--carried

Mayans moved that the HOME funding allocations for the HOMEownership 80 Program, the Deferred Loan Program and administration be approved. Motion carried 7 to 0.

HOME FUNDING

HOME PROGRAM FUNDING REQUEST. (DISTRICT III)

Agenda Report No. 04-0296

During the 2003-2004 Consolidated Plan funding process, a total of \$440,700 in HOME funding was allocated for the Housing Development Loan Program (HDLP). The HDLP is designed to provide subsidies for infill housing projects and to support the development of real estate that is idle or underutilized, and to provide needed housing for underserved populations. Funding may be provided to non-profit or for-profit organizations. Loan structure is dependent upon the type of project to be financed. The program funding may be utilized within the boundaries of the City's Redevelopment Incentives Area.

May 7, 2002, the City Council approved an application for funding under the HDLP for Central Plains Development, following a recommendation for approval from the Housing Advisory Board, in the amount of \$200,000. Central Plains has completed and sold 4 homes, and is in the process of constructing 4 additional homes in the Shadowridge Subdivision.

Central Plains has applied for additional HOME funding in the amount of \$175,000, in order to construct 6 additional homes in the subdivision. The homes have appraised for \$66,000, and the total project cost is estimated to be \$567,000. Project subsidy is required, primarily due the market conditions that currently exist in the Planeview area. The subsidy also covers developer fees and site improvements.

Direct financial assistance will be provided to homebuyers through the HOMEownership 80 program, which is administered by the City's Housing Services Department.

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The Housing Advisory Board reviewed the funding request during its February 17, 2004 meeting, and recommended approval by a unanimous vote.

HOME funding will be provided in the form of zero-interest participation construction loans.

Typically, the HOME program share of the construction loan is 25% if the home is pre-sold, and 40%, for homes that are not pre-sold.

Motion--

Mayans moved that the HOME Program funding request in the amount of \$175,000, under the Housing Development Loan Program and the funding agreement, be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

HEARING NOTICE

ORDERING A PUBLIC HEARING: ELM PAVING, SHERIDAN TO MT. CARMEL, (DISTRICT VI)

Agenda Report No. 04-0274

Elm Street, between Sheridan and Mt. Carmel, is a unimproved sand street. Attempts to obtain a valid paving Petition have not been successful. Council member Fearey asked Engineering Staff to begin the process to hold a City Council public hearing on the project. A Resolution to order a public hearing has been prepared that will provide an opportunity for the project to proceed. District VI Advisory Board sponsored a January 21, 2004, neighborhood hearing on the project. The Board voted 11-0 to recommend approval.

The project, if approved, will connect to existing pavement. The design concept will be developed during the preparation of construction plans, but is expected to be a two-lane asphalt roadway with curb and gutter and a storm water sewer system.

The estimated project cost is \$50,000 with the total assessed to the improvement district. The proposed method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.25 per square foot of ownership. The Capital Improvement Program includes funding for special assessment projects on an ongoing basis.

State Statutes provides the authority for the City Council to order in the paving. As connecting pavement, the project is not subject to a protest petition. Adopting the Resolution does not obligate the Council to approve the project, only to hold a public hearing on April 6, 2004.

Motion--

Mayans moved that the Resolution ordering a public hearing on April 6, 2004, in the City Council Chambers of City Hall at 9:00 a.m., be adopted. Motion carried 7 to 0.

--carried

RESOLUTION NO. 04-125

Resolution directing and ordering a public hearing on the advisability of an improvements consisting of paving Elm, from the east line of Sheridan to the west line of Mt. Carmel, 472-83950, in the City of Wichita, Kansas, all as provided by KSA 12-602. Said hearing shall be held on April 6, 2004, in the City Council Chambers of City Hall at 9:00 a.m., presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

HEARING NOTICES

ORDERING PUBLIC HEARINGS: 27TH STREET NORTH PAVING-ARKANSAS TO BROADWAY, (DISTRICT VI)

Agenda Report No. 04-0275

Four segments of 27th Street North, between Arkansas and Broadway, are unpaved. Attempts to obtain valid paving Petitions have not been successful. Council member Fearey asked Engineering Staff to begin the process to hold a City Council public hearing on the project. Resolutions to order public hearings have been prepared that will provide an opportunity for the project to proceed. District VI Advisory Board sponsored a January 21, 2004, neighborhood hearing on the projects. The Board voted

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5-3 to approve the projects, except for the Wellington to Market segment, which was supported by an 11-0 vote.

The projects, if approved, will connect to existing pavement to the east and west. The design concept will be developed during the preparation of construction plans, but is expected to be a two-lane asphalt roadway with curb and gutter and a storm water sewer system.

The street segments, estimated project costs, and assessment ranges to individual properties are as follows:

West of Jackson

\$35,000 project cost (\$30,200 special assessments; \$4,800 City-at-Large
\$1,035 - \$6,635 per property assessment

Jackson to Waco

\$63,000 project cost (\$54,300 special assessments; \$8,700 City-at-Large
\$875 - \$2,955 per property assessment

Waco to Fairview

\$58,000 project cost (\$49,300 special assessment; \$8,700 City-at-Large
\$2,515 - \$19,150 per property assessment

Wellington to Market

\$105,000 project cost (\$88,510 special assessments; \$16,490 City-at-Large
\$1,230 - \$4,915 per property assessment

The funding source for the City share is General Obligation Bonds. City-at-Large funding for intersection paving costs in developed areas is included in the Capital Improvement Program on an ongoing basis.

State Statutes provide the authority for the City Council to order in the paving. Adopting the Resolution does not obligate the Council to approve the project, only to hold a public hearing on April 6, 2004.

Motion--
--carried

Mayans moved that the Resolutions ordering a public hearing on April 6, 2004, in the City Council Chambers of City Hall at 9:00 a.m., be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-126

Resolution directing and ordering a public hearing on the advisability of an improvements consisting of paving 27TH street North from the west line of Lot 1, Jackson avenue in F.C. McTaggart's Addition to the middle of the intersection of 27th Street & Jackson, 472-83958, in the City of Wichita, Kansas, all as provided by KSA 12-602. Said hearing shall be held on April 6, 2004, in the City Council Chambers of City Hall at 9:00 a.m., presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-127

Resolution directing and ordering a public hearing on the advisability of an improvements consisting of paving 27th Street North from the west line of Market, 472-83959, in the City of Wichita, Kansas, all as provided by KSA 12-602. Said hearing shall be held on April 6, 2004, in the City Council Chambers of City Hall at 9:00 a.m., presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 04-128

Resolution directing and ordering a public hearing on the advisability of an improvements consisting of paving 27th Street North from the middle of the Intersection of 27th & Waco to the east line of Fairview, 472-83960, in the City of Wichita, Kansas, all as provided by KSA 12-602. Said hearing shall be held on April 6, 2004, in the City Council Chambers of City Hall at 9:00 a.m., presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO.04-129

Resolution directing and ordering a public hearing on the advisability of an improvements consisting of paving 27th Street North from the middle of the Intersection of 27th and Jackson to the middle of the Intersection of 27th & Saco, 472-83961, in the City of Wichita, Kansas, all as provided by KSA 12-602. Said hearing shall be held on April 6, 2004, in the City Council Chambers of City Hall at 9:00 a.m., presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MARCH 2, 2004)

- a) Issuance of Health Care Facilities Refunding Revenue Bonds, Riverside Village, Inc. (District VI)

ORDINANCE NO. 46-111

An Ordinance authorizing the City of Wichita, Kansas, to issue its Health Care Facilities Refunding Revenue bonds Series II, 2004, (Riverside Village, Inc.) in the aggregate principal amount of not to exceed \$9,200,000, for the purposes of refunding certain outstanding Hospital Facilities Improvement Revenue Bonds; authorizing the execution of a Trust Indenture by and between the City and UMB Bank, N.A., Wichita, Kansas, as Trustee; authorizing the City to lease the facility to Riverside Village, Inc., approving the form of a Guaranty Agreement and an Additional guaranty agreement; authorizing the execution of a Bond Purchase Agreement by and between the City, Riverside Village, Inc., Via Christi Health System, Inc., and Gold Capital Management, , Inc. as Underwriter; and authorizing the execution of a Tax Compliance Agreement relating to compliance with applicable provisions of the Internal Revenue Code of 1986, as amended, with respect to the Series II, 2004 Bonds, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) Tax exemption - Perfekta, Inc. (District VI)

ORDINANCE NO.46-112

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Perfekta, Inc, so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- c) DR2004-00001-proposed amendments to the April 19, 2001, Edition of the Wichita-Sedgwick County Unified Zoning Code (UZC), Article III-B.14.e and Article IV-B, pertaining to outdoor portable storage containers and to screening requirements.

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ORDINANCE NO.46-113

An Ordinance providing amendments to Section III-B.14.e(3)(e) and Section IV-B.3.b(1) of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition), as adopted by reference in City of Wichita Code Sec. 28.04.010 by Ordinance No. 44-075, dealing with portable storage containers, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (DR2004-00001)

d) Portable storage containers - creating new City Title 3.10 setting forth licensing requirements for portable storage container contractors/companies, companion Ordinance to UZC Article III-B.14e. and Article IV-B Amendments under DR2004-00001.

ORDINANCE NO. 46-114

An Ordinance creating Chapter 3.10 of the Code of the City of Wichita, Kansas, pertaining to licensing of portable storage container contractors, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

e) Lot Clean-up.

ORDINANCE NO. 46-109

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

f) Weed Mowing.

ORDINANCE NO. 46-110

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

g) ZON 2003-45 - northeast Corner of 151st Street, west of 29th Street North.

ORDINANCE NO. 46-115

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2003-45)

h) CUP2003-66 (Associated with ZON2003-75) - generally located north of Kellogg and east of Tyler Road. (District V)

ORDINANCE NO. 46-116

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. . (ZON 2003-00075)

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Paving Projects:

a) (472-82873/490-898)

ORDINANCE NO. 46-081

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving LAKE RIDGE, LAKE RIDGE CTS. & SIDEWALKS, TO SERVE FOREST LAKES WEST ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

b) (472-83256/490-867)

ORDINANCE NO. 46-082

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving RUTGERS/GREENSPOINT/PARKDALE, RUTGERS CTS, GREENSPOINT & SIDEWALK, TO SERVE EVERGREEN AND EVERGREEN 3RD ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

c) (472-83326/490-789)

ORDINANCE NO. 46-083

An Ordinance levying assessments on lots, pieces, and parcels of land in the City Of Wichita, of paying a portion of the cost of improving LOTUS, LYDIA CIR/LYDIA, LOTUS CTS & SIDEWALK, TO SERVE SHELLY'S ORCHARD ADDITIO, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

d) (472-83384/490-854)

ORDINANCE NO. 46-084

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving GOLDEN HILLS, MILSTEAD, GRANT, GRANT CTS, GOLDEN HILLS CT INCLUDING CUL-DE-SAC & SIDEWALKS, TO SERVE FLAT CREEK ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

e) (472-83425/490-819)

ORDINANCE NO. 46-085

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving 127TH ST E FROM 1/2 MILE S OF HARRY TO HARRY, TO SERVE EQUESTRIAN ESTATES & AN UP TRACT IN THE NW 1/4 OF SEC 35, TWP 27S, R2E, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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f) (472-83465/490-892)

ORDINANCE NO. 46-086

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving EAGLES LANDING, WILLOW POINT, EAGLES LANDING CT, WILLOW POINT CT & SIDEWALKS, TO SERVE EAGLES LANDING AT NORTH OLIVER 2ND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

g) (472-83466/490-866)

ORDINANCE NO. 46-087

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving FALCON, FALCON CT & SIDEWALK, TO SERVE EAGLES LANDING AT NORTH OLIVER 2ND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

h) (472-83469/490-870)

ORDINANCE NO. 46-088

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving WHITE TAIL/TIPPERARY, WHITE TAIL, TIPPERARY CIR, WHITE TAIL CT & SIDEWALK, TO SERVE BALTHROP 4TH ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

i) (472-83482/490-872)

ORDINANCE NO. 46-089

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving LAKEVIEW DR, CACTUS & CACTUS CT, TO SERVE SPRINGDALE EAST 2ND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

j) (472-83529/490-847)

ORDINANCE NO. 46-090

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving KESSLER, TO SERVE WEST WAREHOUSE ADDITION.

k) (472-83530/490-848) - Items previously deferred: on first reading/Unfinished Business
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l) (472-83542/490-860)

ORDINANCE NO. 46-092

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving MEADOW PARK, PEPPER RIDGE, MEADOW PARK CT., PEPPER RIDGE CTS. & SIDEWALK, TO SERVE FOSSIL RIM ESTATES ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

m) (472-83552/490-869)

ORDINANCE NO. 46-093

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving 44TH ST S, 44TH CT S & SIDEWALK, TO SERVE GRAY'S 5TH ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

n) (472-83558/490-857)

ORDINANCE NO. 46-094

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving A RIGHT TURN LANE & MAJOR ENTRANCE IMPROVEMENT ON 21ST ST N, TO SERVE MESSIAH BAPTIST CHURCH 4TH ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

o) (472-83606/491-001)

ORDINANCE NO. 46-095

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of FAÇADE IMPROVEMENTS AT 800 East DOUGLAS, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

p) 472-83607/491-002)

ORDINANCE NO. 46-096

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of FAÇADE IMPROVEMENTS AT 802 East DOUGLAS, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

q) (472-83616/490-862)

ORDINANCE NO. 46-097

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving SIDEWALKS ON DOUGLAS AND WABASH, TO SERVE MATHEWSON'S ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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r) (472-83622/491-003)

ORDINANCE NO. 46-098

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of FAÇADE IMPROVEMENTS AT 100 South MAIN STREET, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

s) (472-83624/490-868)

ORDINANCE NO. 46-099

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving SPYGLASS, SPYGLASS CT, BLADE, MILLRUN, MILLRUN CT & SIDEWALK, TO SERVE SAWMILL CREEK ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

t) (472-83661/490-873)

ORDINANCE NO. 46-100

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving 35TH ST S, TO SERVE WEST ROBBINS 2ND & SOUTH HIGH SCHOOL ADDITIONS, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

u) (472-83675/490-882)

ORDINANCE NO. 46-101

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving MINNESOTA CT, MINNESOTA CIR, 26TH ST N & SIDEWALK, TO SERVE POWER CDC 2ND & RIDGECREST ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

v) (472-83676/490-877)

ORDINANCE NO. 46-102

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving LEFT TURN LANE @ WEBB RD & WILSON ESTATE PARKWAY, TO SERVE WILSON ESTATES MEDICAL PARK & LEGACY PARK TRACT, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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w) (472-83677/490-878)

ORDINANCE NO. 46-103

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving TRAFFIC SIGNAL @ WEBB AND WILSON ESTATES PARKWAY/19TH ST, TO SERVE WILSON ESTATES MEDICAL PARK AND A TRACT WITHIN LEGACY PARK WILSON ESTATES ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

x) (472-83678/490-896)

ORDINANCE NO. 46-104

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving LINBERG AND BRONCO, TO SERVE REMINGTON PLACE 2ND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

y) (472-83679/490-897)

ORDINANCE NO. 46-105

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving DECEL LANE ON 21ST ST N, TO SERVE REMINGTON PLACE 2ND ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

z) (472-83693/490-903)

ORDINANCE NO. 46-106

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving LEFT TURN BAY ON TYLER RD, TO SERVE TYLER'S LANDING ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

aa) (472-83707/490-900)

ORDINANCE NO. 46-107

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving IRONHORSE/IRONHORSE CIR, HILLCREST/HILLCREST CIRCLE & OXFORD, TO SERVE IRONHORSE AT OXFORD ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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bb) (472-83713/490-899)

ORDINANCE NO. 46-108

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving A LEFT TURN LANE ON TYLER, TO SERVE CENTRAL MAIZE SCHOOLS ADDITION, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

PLANNING AGENDA

Motion-- Mayans moved that the Planning Agenda with the Exception of Items 44, 45, and 46 be approved as presented. Motion carried 7 to 0.
-- carried

(Agenda Item No. 44)
CON2004-02

CON2004-02-CONDITIONAL USE FOR A ACCESSORY APARTMENT ON PROPERTY ZONED SINGLE-FAMILY RESIDENTIAL. GENERALLY LOCATED AT THE NORTHEAST CORNER OF 15TH STREET NORTH AND WOMER. (DISTRICT VI)

John Schlegel

Planning Director reported that this Item was withdrawn by the applicant.

(Agenda Item No. 45)
ZON2003-00069

ZON2003-00069-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL AND GENERAL OFFICE TO NEIGHBORHOOD RETAIL. GENERALLY LOCATED ON THE SOUTHEAST CORNER OF CENTRAL AND VASSAR. (DISTRICT II)

Agenda Report No. 04-0277

John Schlegel

Planning Director reviewed the Item.

MAPC Recommendation: Approve "NR" Neighborhood Retail (8-2-1).

Staff Recommendation: Deny.

DAB Recommendation: Approve, "GO" General Office (6-0).

The applicant is requesting to rezone a 0.59-acre tract from "SF-5" Single-family Residential and "GO" General Office to "NR" Neighborhood Retail. The applicant originally requested "LC" Limited Commercial zoning, but reduced the request to "NR" prior to the public hearings. The site is located on the southeast corner of Central and Vassar.

The surrounding property is zoned "GO" to the north and east, "TF-3" Two-family Residential and "SF-5" Single-family Residential to the southeast, south and southwest, and "LC" and "GO" to the west. A bank is located on the property to the west. An office, owned by the same owner as this request for rezoning, is located to the east. A single-family residence is located across the street from this office and single-family residences abut the remaining portions of the requested rezoning to the southeast, south and southwest. The property north of Central was recently approved for rezoning from "TF-3" to "GO" subject to a protective overlay and is vacant. Several residential structures were demolished during the past six months. The Wesley Hospital complex and associated uses are located to the northwest.

A lengthy zoning battle was fought on this site in 1979, when the owner requested "LC" but was granted equivalent to today's "GO" General Office and "SF-5". The case files noted the city's policy to stop business expansion along Central no farther east than Clifton.

At the District II Advisory Board meeting held February 2, 2004, the DAB voted (6-0) to deny "NR" and but allow "GO" subject to the same type of protective overlay provisions as the property to the

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north of Central. A group of neighborhood residents were present and spoke in opposition to the request. They discussed the impact of rerouting traffic from a commercial use onto narrow residential streets that are already overburdened with traffic from the nearby retail uses and the elementary school on Clifton. Residents on Vassar said several homes in the vicinity area being substantially remodeled. Further, home values had been low in the past and had been increasing recently. They felt strongly that the impact of the commercial use would be to reduce the value of their homes and halt the renovations underway.

After the DAB meeting, a neighborhood meeting was held where the proposed "NR" was again discussed. At this College Hill Neighborhood meeting held February 10, 2004, the agent for the applicant presented an alternative of opening a driveway aligned with Vassar north of Central as the fourth leg of the signalized intersection. Also, staff raised the possibility of using a one-way traffic pattern around the existing building on the adjoining lot (under the same ownership) to divert left-turn movements to the easternmost driveway on the adjoining "GO" lot.

Discussions have been held between neighborhood representatives and the agent after the neighborhood meeting. The agent has offered further restrictions to "NR" use if the lots were developed with nonresidential use. These restrictions would include eliminating the following uses: bank or financial institution; group residence, limited; correctional placement residence; recycling collection station, private; wireless communication facility; all industrial and agricultural uses. Restrict retail, general by eliminating department stores and automotive parts and accessories. Other restrictions would be a 30-foot building setback and a 10-foot landscape buffer on the south property line, allowing only one freestanding sign that would be a maximum of eight feet in height, and requiring residential character of buildings.

While these restrictions lower the intensity of commercial use, they do not solve the overriding access problem of no left turns into or out of the property. The agent's suggested addition of a private driveway added as a fourth leg to the signalized intersection was reviewed by the Traffic Engineer and found to pose significant safety hazards: (1) shortening the median would allow traffic to jog across Vassar at Central and pose a traffic hazard to eastbound Central motorists, (2) the additional driveway would be less than 20 feet from Vassar, significantly below access management policies and add another multiple turning movement conflict, and possibly jeopardize the recent investments and redevelopment of the Central and Hillside. Wichita spent significant sums widening and improving traffic conditions at Central and Hillside last year. The traffic flow is already complex. The recent redevelopment at Wesley Medical Center and College Hill Square is a significant improvement in the community. Increasing the intensity of use for a single small parcel may negatively impact these other investments.

The Traffic Engineer has indicated the only way the proposed new driveway could safely function would be to make Vassar south of Central a cul-de-sac or reroute Vassar. The costs would include: reconstruction of the median, modification and addition of traffic signalization equipment, and the cost of installing the cul-de-sac or rerouting Vassar.

At the MAPC meeting held February 19, 2004, MAPC voted (8-2-1) to recommend "NR" Neighborhood Retail with the protective overlay restrictions. As at the previous DAB meeting and the neighborhood association meeting, a large group of neighborhood residents were present in opposition to the rezoning to commercial use, preferring the current zoning that would be office for the area along Central and residential (or parking lot) for the area to the south. The MAPC motion recommended adding restaurants as a prohibited use to the protective overlay. The protective overlay provisions recommended are:

1. Provide cross-lot connections with the property to the east in the same ownership; close one drive on Central and two of the three existing drives (the northernmost and southernmost) on Vassar.
2. Allow those uses permitted by right in the "NR" zoning district with the following "NR" (and "GO") uses prohibited: animal care, limited and general; bank or financial institution; broadcast and recording studio; cemetery; correctional placement residence, limited and general; funeral home; group home, limited, general, and commercial; group residence, general and limited; manufactured home; heliport; hospital; hotel or motel, marine facility, recreational; printing and coping, limited; recycling collection station, private; restaurant; school, elementary, middle, and high; vocational school;

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warehouse, self-service storage; wireless communication facility; and all industrial, manufacturing and extractive uses. Retail, general shall be allowed subject to the "NR" special restrictions and subject to prohibition of department stores and automotive parts and accessories.

3. The development shall meet all landscaping, screening, lighting, compatibility and buffering requirements, per the UZC and the Landscaping Ordinance, including one shade tree or the equivalent every 20 feet along the residential edge(s) of the development for any nonresidential development, and meet the following requirements: provide a 30 foot building setback for nonresidential uses on the south property line and a 10 foot landscape buffer along the south property line; install a solid screening fence a minimum of six feet in height and plant trees at a rate of one tree per 20 feet along the south property line and the southern 100 feet of west property line, and maintain the existing solid evergreen screen and solid screening fence on the southern 100 feet of the east property line.

4. Restrict building height to 35 feet.

5. Restrict freestanding signs to one monument type sign no more than eight feet in height and subject to size limitations of the "NR" district.

6. Require nonresidential buildings to residential in architectural character and materials, including that metal shall not be used as exterior materials except for incidental accent or trim.

7. All uses shall be developed to minimize light trespass and glare from nonresidential uses to residential zoning districts by employing cut-off luminaries and by limiting light fixtures, including base and poles, to no more than 14 feet.

8. No sound amplification system for projecting music or human voices shall be permitted on the property if the music and/or voices can be heard within any residential zoning district, which is located within a 500-foot radius of the site.

John Schlegel

Mr. Schlegel stated that a request that was made by the applicant was that if "GO" was the preferred zoning that they would like to have added to the list of permitted uses two classifications that are within the zoning code, which are personal care service and personal improvement services.

Council Member Schlapp

Council Member Schlapp stated that one thing that was brought up several times was the impact on the neighborhood regarding the traffic.

Motion--

Schlapp moved that the request for Neighborhood Retail be denied and that General Office be approved subject to the following protective overlay protections: 1). provide cross-lot connections with the property to the east in the same ownership; close one drive on Central and two of the three existing drives (the northernmost and southernmost) on Vassar. 2). Allow those uses permitted by right in the "GO" zoning district and personal care service and personal improvement service granted as a Conditional Use, with the following uses prohibited; animal care, limited and general; bank or financial institution; broadcast and recording studio; cemetery; correctional placement residence, limited and general; funeral home; group home, limited, general, and commercial; group residence, general and limited; manufactured home; heliport; hospital; hotel or motel, marine facility, recreational; printing and coping, limited; recycling collection station, private; school, elementary, middle, and high; vocational school; warehouse, self-service storage; wireless communication facility; and all industrial, manufacturing and extractive uses. 3). The development shall meet all landscaping, screening, lighting, compatibility and buffering requirements, per the UZC and the Landscaping Ordinance, including one shade tree or the equivalent every 20 feet along the residential edge(s) of the development for any nonresidential development, and meet the following requirements; provide a 30 foot building setback for nonresidential uses on the south property line and a 10 foot landscape buffer along the south property line; install a solid screening fence a minimum of six feet in height and plant trees at a rate of one tree per 20 feet along the south property line and the southern 100 feet of west property line, and maintain the existing solid evergreen screen and solid screening fence on the southern 100 feet of the east property line. 4). Restrict building height to 35 feet. 5). Restrict freestanding signs to one monument type sign no more than eight feet in height and subject to size limitations of the "GO" district. 6). Require nonresidential buildings to residential in architectural character and materials, including that metal shall not be used as exterior materials except for incidental accent or trim. 7). All uses shall be developed to minimize light trespass and glare from nonresidential uses to residential zoning districts by employing cut-off luminaries and by limiting light fixtures, including base and poles, to no more than 14 feet. 8). No sound amplification system for projecting music or human voices shall be permitted on the property if the music and/or voices can be heard within any residential zoning district, which is located within 500-foot radius of the site. **This recommendation is based on the following findings:**

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1. The zoning, uses and character of the neighborhood: The surrounding property is zoned "GO" to the north and east, "TF-3" Two-family residential and "SF-5" Single-family residential to the southeast, south and southwest, and "LC" and "GO" to the west. A bank is located on the property to the west. An office, owned by the same owner as this request for rezoning, is located to the east. A single-family residence is located across the street from this office and single-family residences about the remaining portions of the requested rezoning to the southeast, south and southwest. The property north of Central was recently approved for rezoning from "TF-3" to "GO" subject to a protective overlay and is vacant. Several residential structures were demolished during the past six months. The Wesley Hospital complex and associated uses are located to the northwest.
2. The suitability of the subject property for the uses to which it has been restricted: The use of the property for a small office is the most suitable use of the property. This corresponds to the use of the doctor's office to the east that is in the same ownership as the subject tract, as well as the approved uses for the property to the north of Central approved for "GO" subject to a protective overlay. It completes the buffering of uses from greater intensity near the intersection of Central and Hillside and to exclusive residential use east of Clifton.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Use of the property for more intense commercial use such as a restaurant or retail will have significant effects on the surrounding property by greatly increasing the traffic that is forced to use residential streets for access, and increasing the noise, lights and other effects on houses located as close as ten feet of the southern property line.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested rezoning is not in conformance with the "Wichita Land Use Guide" of the 1999 Update to the Wichita/Sedgwick County Comprehensive Plan, amended in January 2002, which identifies the property as appropriate for "office" (northern half) and "transportation" (southern half).
5. Impact of the proposed development on community facilities: Due to the street alignment of Vassar at Central, which is slightly offset north and south of Central, through traffic on Vassar is prevented from crossing Central. The intersection is channalized and signalized. This prevents left turns into or out of the proposed rezoning tract. Central is already a heavily traveled street with numerous driveways and streets intersecting its traffic flow. Introducing another commercial use will deteriorate service on Central. Additionally, left turns into or out of the proposed rezoning tract are prevented. The routing of commercial traffic onto the residential streets of Clifton, Vassar, Rutan and Third Street is contrary to the Comprehensive Plan guidelines for commercial use.
6. Relative gain to the public health, safety and welfare as compared to the loss in value or hardship imposed on the applicant: While the use of the property for office uses reduces the commercial value of the property to the applicant, it retains viable office uses similar to that used on the residual of the applicant's property. This protects the public investment and improvements to Central and lowers the impact to safety on Central.
7. Opposition or support of neighborhood residents: The neighborhood has expressed considerable opposition to retail and restaurant use of the property; and that the Ordinance be placed on first reading. Motion carried 6 to 1, (Lambke-no)

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2003-00069

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(Agenda Item No. 46)
ZON2004-00001

ZON2004-00001-ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL AND GENERAL OFFICE TO GENERAL COMMERCIAL. GENERALLY LOCATED AT THE NORTHEAST CORNER OF TOPEKA AND ELM. (DISTRICT VI)

Agenda Report No. 04-0278

John Schlegel

Planning Director reviewed the Item.

MAPC Recommendation: Approve "LC" Limited Commercial (10-1).

Staff Recommendation: Approve "LC" Limited Commercial.

DAB Recommendation: Deny (9-0-1).

The applicant originally requested to rezone a 0.38-acre tract from "B" Multi-family Residential and "GO" General Office to "GC" General Commercial. The property is located on the northeast corner of Topeka and Elm. The application area is mostly vacant except for a small existing building located on the "GO" tract.

No specific plans are known for the site, although the applicant owns the adjacent half-block located east of the application area facing Emporia with an existing bakery distribution/retail outlet and a vacant industrial building. This adjacent half-block is zoned "LI" Limited Industrial. The applicant has indicated they would consider using the application area to support the continued use of the industrial property located to the east. The applicant also owns the two lots to the north of the zoning request, and these two lots are already zoned "GC" and used as parking for the bakery distribution facility. Most of the lots north of the applicant's "GC" lots are zoned "B", with a sliver of "LC" Limited Commercial near the corner of Topeka and Pine. Two houses and two brick apartment houses are located to the north; two lots are vacant. The property to the west is zoned "B" except the corner lot on Elm that is "LC" has several houses and two brick apartment buildings. The property south of Elm also has several apartment buildings, and is zoned mostly "B" except two lots zoned "GO". Via Christi is located two blocks to the north and a new Via Christi medical office is being constructed on the next block to the north. Metro-Midtown High School is located on the next block to the east.

The C.O.R.E., Centercity Organized Revitalization Effort, prepared a development plan for the Center City Neighborhood that has been adopted by the both the City Council and the County Commission. This plan identifies the proposed rezoning area as part of the nine-block Phase I area for new development. The Center City Neighborhood Future Lands Use Plan depicts the application area as appropriate for residential use and ground-floor retail. The larger nine-block area is also shown as appropriate for residential, open space and school use. Mixed use with neighborhood serving retail/office/services on the ground floor level and apartments on the two upper stories is also being considered as part of a more detailed master plan for the area.

At the District VI Advisory Board meeting held February 17, 2004, the DAB voted (9-0-1) to deny the request to rezone the property from its current zoning of "B" Multi-family and "GO" General Office to "GC" General Commercial. Board members expressed concerns that general commercial property in the vicinity that might hamper C.O.R.E. revitalization efforts due to the more intense commercial uses allowed. Also, some DAB members expressed reservations about "LC" Limited Commercial since it would permit more intensive commercial uses than the neighborhood serving uses compatible with the Centercity revitalization plans.

At the MAPC meeting held February 19, 2004, MAPC voted (10-1) to deny "GC" General Commercial but approve "LC" Limited Commercial. The applicant concurred with this recommendation.

Motion--
-- carried

Mayans moved that Council concur with the findings of the MAPC and approve the zone change; and that the Ordinance be placed on first reading.. Motion carried 7 to 0.

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ZON2004-00002

ZON2004-00002-ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL AND SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL. GENERALLY LOCATED APPROXIMATELY 300-FEET SOUTH OF 9TH STREET NORTH, ON THE WEST SIDE OF WEST STREET. (DISTRICT VI)

Agenda Report No. 04-0279

MAPC Recommendation: Approve (10-0).

Staff Recommendation: Approve.

DAB Recommendation: Approve, subject to staff comments (10-0).

The applicant is requesting consideration for a zoning change from “B” Multi-family Residential and “SF-5” Single-family Residential to “LC” Limited Commercial, on Lot 27, Block 1, Galyardt’s 1st Addition. The front $\frac{3}{4}$ of the lot contains the “B” zoning with the back $\frac{1}{4}$ containing the “SF-5” zoning. The owner is requesting the zone change to be consistent with other properties along West Street. The site is currently vacant, with an existing drive onto it. The property is Lot 27, Block 1, Galyardt’s 1st Addition and was recorded with the Register of Deeds July 8, 1955.

Abutting the site’s west side is “SF-5” zoning, which was developed in the late 1950s as single-family residences. Abutting the site’s south side is “LC” zoning with the current structure having been built in the early 1970s, it is now housing an automobile transmission repair shop. Across West Street, east of the site, there are “LC” Limited Commercial zoned lots and a “B” Multifamily zoned lot. Development on the “LC” properties includes an apartment complex built in the early 1970s, a convenience store built in the early 1980s and a fence contractors yard. The property zoned “B” is developed as part of the fence contractors yard. There is a small, single story structure in this portion of the yard, which was built in the early 1950s. Abutting property north of the site is zoned “LC”, built in the early 1960s as a small strip center with current occupants being a Thai restaurant, a barber shop, a nail and skin care service, a watch repair shop, a tailor shop, a TV repair shop, swimming pools sales; all neighborhood retail in character. In fact, this area of West Street’s non-residential development is either neighborhood retail or neighborhood office in character. The exception is the fence contractors yard with its out of character, for the area, outside storage. Around the Central Avenue section of West Street, south of the area, non-residential development begins to have some regional and national chains with their frequency increasing the closer one gets to the Kellogg/US-54 – West Street interchange.

There have been numerous zoning changes in this immediate section of West Street where the site is located, from 8th Street on the south to the Zoo Blvd – West Street intersection on the north:

- (a) Z-2331 – From “AA” One Family & “B” Multifamily to “LC” Limited Commercial, located east of the site, across West Street, approved in 1981.
- (b) Z-2738 – From “AA” One Family & “B” Multifamily to “LC” Limited Commercial, located east of the site, across West Street, approved in 1986.
- (c) Z-2366 – From “B” Multifamily to “LC” Limited Commercial, located between 10th and 9th on the east side of West Street, approved in 1981.
- (d) Z-3226 – From “B” Multifamily to “LC Limited Commercial, located across West Street west of the site, approved in 1997.
- (e) ZON2001-35 – from “SF-5” & “B” Multi-family to “LC”, approved in 2001.

In these cases commercial zoning and non-residential uses have replaced the residential zoning and the residential uses along West. The uses for these zoning changes have generally added neighborhood office, local retail services and auto repair or maintenance related businesses to this section of West Street. This development trend has eroded the desirability of residential uses on West Street. With the

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exception of the previously mentioned property zoned "B" and another site zoned "B" & "SF-5", the rezoning of this site will mean that West Street will have unbroken "LC" zoning on its frontage from 9th Street North to St. Louis, which is a block south of Central.

The proposed development will trigger required landscaping (per approval by the Planning Director), screening and development according to City Codes. The applicant will also need to dedicate 10-ft of ROW and bring the utility easements up to current standards.

District Advisory Board VI considered this case at their February 17, 2004 meeting and recommended approval (10-0) of the zoning change. No one spoke in opposition to the requested zoning change at the meeting. The MAPC considered this case at their February 19, 2004 meeting and recommended approval (10-0) of the zoning change. No one spoke in opposition to the requested zoning change at the meeting. Staff has received no written protest or phone calls protesting the requested zoning change.

Record the Ordinance with the Register of Deeds, and dedicate by separate instrument, within 180 days of approval by the Governing Body, 10-feet of right-of-way along the West Street frontage and two-feet of utility easement to be recorded with the Register of Deeds

Motion--
-- carried

Mayans moved that Council concur with the findings of the MAPC and approve the zone change; and that the Ordinance be placed on first reading.. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON 2004-00002)

VAC2003-00046

VAC2003-00046-REQUEST T VACATE A PORTION OF PLATTED COMPLETE ACCESS CONTROL LOCATED ON THE EAST SIDE OF RIDGE ROAD BETWEEN UNIVERSITY AVENUE SOUTH AND MAPLE STREET NORTH. (DISTRICT V)

Agenda Report No. 04-0280

Staff Recommendation: Approve.
MAPC Recommendation: Approve. (unanimous)

The applicant is requesting vacation of a portion of the platted access control, located on the Ridge Road frontage of Lot 1, Block 1, University & Ridge Addition. The University and Ridge Addition was recorded with the Register of Deeds February 4, 2004.

The University & Ridge Addition has complete access control along Ridge Road except for one point of access located within the north 30feet of Lot 1. The applicant is proposing to relocate this opening, which is a temporary access opening. This request is associated with VAC03-47 (on today's agenda) and coordinating the access onto the University and Ridge Addition and the King's Maple Street 3rd Addition, which abuts on the north. Between the two abutting sites there currently are two platted points of access. This proposal retains the two points of access, but relocates them. Access control on University allows one opening in the western half of Lot 1.

A certified copy of the Vacation Order and dedication of complete access control, as approved by the City of Wichita Traffic Engineer, by separate instrument will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

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VAC2003-00047

VAC2003-00047-REQUEST TO VACATE A PORTION OF PLATTED COMPLETE ACCESS CONTROL LOCATED ON THE EAST SIDE OF RIDGE ROAD, BETWEEN UNIVERSITY AVENUE SOUTH AND MAPLE STREET NORTH. (DISTRICT V)

Agenda Report No. 04-0281

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting vacation of a portion of the platted access control, located on the Ridge Road frontage of Lot 1, Block 1, King's Maple Street 3rd Addition. The King's Maple Street 3rd Addition (SUB 01-107) was recorded with the Register of Deeds February 5, 2004

A Lot Split will reconfigure the subject site and adjacent sites. The plat currently has complete access control along the Ridge Road frontage for the north 109.25-feet of Lot 1, Block 1, King's Maple Street 3rd Addition, with one opening in the south 30-feet of the lot. The applicant is requesting that this opening/access point be moved to the south to create one 30-foot opening. The applicant is tying this request with VAC03-46 (on today's agenda) and coordinating the access onto the King's Maple Street 3rd Addition and the University and Ridge Addition, which abuts on the south. Between the two abutting site's there are two platted points of access, the current proposal retains the two platted points of access, but shifts/relocates them south.

A certified copy of the Vacation Order and dedication of complete access control, as approved by the City of Wichita Traffic Engineer, by separate instrument will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

SUB 2003-116

SUB 2003-116-PLAT OF REMINGTON PLACE THIRD ADDITION, LOCATED SOUTH OF 21ST STREET NORTH, EAST OF WEBB ROAD. (DISTRICT II)

Agenda Report No. 04-0282

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of 40 lots on 21 acres, is a replat of a portion of Remington Place Addition. The site is located in Wichita's city limits.

Petitions (100 percent) and a Certificate of Petitions have been submitted for paving, grading, drainage, sanitary sewer and water improvements. A Restrictive Covenant has been submitted to: 1) restrict lot-owner use of the easements being platted for a narrow street right-of-way with adjacent 15-foot street drainage and utility easements; 2) provide for this addition to continue sharing in the ownership and maintenance responsibilities of the previously platted reserves in Remington Place Addition; 3) create a lot owner's association to provide for ownership and maintenance of the reserves; and 4) provide four (4) off-street parking spaces per dwelling unit on each lot that abuts a 32-foot street. This site is within the noise impact area of Colonel James Jabara Airport; therefore, a Restrictive Covenant and Avigational Easement were also submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, Restrictive Covenants (2) and Avigational Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and Plat be approved, the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

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RESOLUTION NO. 04-130

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89917 (south of 21st Street, east of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-131

Resolution of findings of advisability and Resolution authorizing construction of Lateral 44, Main24, War Industries Sewer, 468-83768 (south of 21st Street, east of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-132

Resolution of findings of advisability and Resolution authorizing improving Cranbrook from a point 158 feet south of the south R/W line of 19th Street North, to and including the two Cranbrook Circles and Rusty Gate from the east line of Lot 26, Block 1, to the east line of Lot 36, Block 1, Frederic Circle from the south line of Lot 24, Block 6, to and including the cul-de-sac. Sidewalk installed along the west and south line of Cranbrook from the north line of Lot 36, Block 1, to the south line of Lot 14, Block 1, and from the southeast corner of Lot 14, Block 1, thru Reserve "F" of Remington Third Addition to the south line of Lot 28, Block 7, Remington Place, 472,83943 (south of 21st Street, east of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SUB 2003-126

SUB 2003-126-PLAT OF CASA DE LA FAMILIA ADDITION, LOCATED NORTH OF 29TH STREET NORTH, WEST OF BROADWAY. (DISTRICT VI)

Agenda Report No. 04-0283

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This unplatted site, consisting of one (1) lot on .56 acres, is located within Wichita's city limits. Municipal services are available to serve the site. The site has been approved for a zone change (ZON 2003-34) from "SF-5" Single-Family Residential District to "GO" General Office District.

A Restrictive Covenant for cross-lot access has been submitted for the benefit of the abutting property to the south, if and when said lot is developed for non-residential use. An Off-site Drainage Agreement has also been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Restrictive Covenant and Off-site Drainage Agreement will be recorded with the Register of Deeds.

Motion--

--carried

Mayans moved that the documents and plat be approved; the ZON2003-34 Ordinance be placed on first reading with publication being withheld until the Plat is recorded with the Register of Deeds and the necessary signatures be authorized. Motion carried 7 to 0.

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ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON2003-34)

SUB 2003-128

SUB 2003-128-PLAT OF CRESTVIEW COUNTRY CLUB ESTATES, OVERBROOK FIFTH ADDITION, LOCATED EAST OF 143RD STREET EAST, SOUTH OF 13TH STREET NORTH. (COUNTY)

Agenda Report No. 04-0284

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of seven (7) lots on five (5) acres, is a replat of a portion of the Crestview Country Club Estates, Overbrook Second Addition. A zone change (ZON 2003-63) from "SF-20" Single-Family Residential District to "SF-5" Single-Family Residential District for Lots 6-9 has been approved.

A guarantee for the extension of sanitary sewer and City water to serve the lots being platted was required. The applicant has submitted an Outside-the-City Water Agreement. A Petition for paving improvements will be handled by the County. Other Petitions, all 100 percent, have also been submitted for water and sewer improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Outside-the-City Water Agreement and Certificates of Petitions will be recorded with the Register of Deeds.

Motion--

--carried

Mayans moved that the documents and plat be approved; the Resolutions be adopted; the ZON2003-63 Ordinance be placed on first reading with publication being withheld until the Plat is recorded with the Register of Deeds; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-133

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89882 (east of 143rd Street East, south of 13th Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-134

Resolution of findings of advisability and Resolution authorizing improving of Lateral 358, Four Mile Creek Sewer, 468-83709 (east of 143rd Street East, south of 13th Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON2003-63)

DED 2004-01

DED 2004-01-DEDICATION OF ACCESS CONTROL FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF MAPLE AND 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 04-0285

MAPC Recommendation: Accept the Dedication.

As a requirement of Zoning Case No. ZON 2003-54, this Dedication is being submitted for access control along 135th Street West and Maple Street.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

DED 2004-02

DED 2004-02-DEDICATION OF STREET RIGHT-OF-WAY FOR PROPERTY LOCATED ON THE WEST SIDE OF MAIZE ROAD, SOUTH OF PAWNEE. (DISTRICT IV)

Agenda Report No. 04-0286

MAPC Recommendation: Accept the Dedication.

This Dedication is being submitted for public street right-of-way for Maize Court that was platted as a private street in the Southern Ridge Addition.

The Dedication has been reviewed and approved by the Planning Commission.

There are no financial considerations.

The Dedication has been recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

NICE'S ADDITION

STREET IMPROVEMENT AGREEMENT FOR NICE'S ADDITION, LOCATED ON THE NORTH SIDE OF 13TH STREET AND ON THE WEST SIDE OF HIGH STREET. (DISTRICT VI)

Agenda Report No. 04-0287

As a requirement of a lot split approval for part of Lot 11, Nice's Addition (SUB 2004-06), this No-Protest Agreement was submitted for the future paving of Joann Street.

The Lot Split will allow for the creation of one additional lot zoned SF-5, Single-Family Residential District. This Agreement assures the City of Wichita that this property will be included in the improvement district for paving of Joann Street and that the owners have waived their right to protest said paving.

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The No-Protest Agreement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

Z -3341 & DP-249

Z-3341 & DP-249-EXTENSION OF TIME TO COMPLETE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL AND LIMITED COMMERCIAL TO GENERAL COMMERCIAL AND THE CREATION OF THE EWALD'S SOUTH TOWN CENTER COMMERCIAL COMMUNITY UNIT PLAN ON PROPERTY GENERALLY LOCATED SOUTH OF 47TH STREET SOUTH AND EAST OF BROADWAY. (DISTRICT IV)

Agenda Report No. 04-0288

On November 23, 1999, the City Council approved a zone change from "SF-5" Single Family Residential and "LC" Limited Commercial to "GC" General Commercial and the creation of the Ewald's South Town Center Commercial Community Unit Plan (DP-249). Approval was subject to the condition of platting the property within one year. To date, a plat of the property has not been filed.

On October 16, 1999, the applicant requested a one-year extension of time to complete platting to allow for the property to be marketed and for floodplain issues to be resolved. Therefore, staff approved an extension of time to complete platting to November 23, 2001. On June 5, 2002, the applicant indicated that marketing of the property and resolution of floodplain issues were still on-going; therefore, the applicant requested an additional two-year extension of time to complete platting. The City Council granted a two-year extension of time to complete platting to November 23, 2003.

The applicant's agent indicates in the letter that discussions regarding the creation of a tax increment financing district for the property need additional time; therefore, the applicant has requested an additional two-year extension of time to complete platting. MAPC Policy Statement No. 5 indicates that such an extension of time to complete platting requires City Council approval.

Motion--
--carried

Mayans moved that the two-year extension of time to complete platting to November 23, 2005 be approved. Motion carried 7 to 0.

A04-07

A04-07-REQUEST BY THE CATHOLIC DIOCESE OF WICHITA TO ANNEX LANDS GENERALLY LOCATED EAST OF 127TH STREET EAST, BETWEEN PAWNEE ROAD AND MT. VERNON ROAD. (DISTRICT II)

Agenda Report No. 04-0289

The City has received a request to annex 20.29 acres of land generally located east of 127th Street East, between Pawnee Road and Mt. Vernon Road. The annexation area abuts the City of Wichita to the north and east of the property. The proposed annexation areas are currently in agricultural use and zoned "SF-20" Single Family Residential. The applicant does not have any plans for development of the parcels at this time.

Analysis: Land Use and Zoning: The proposed annexation consists of 20.29 acres of land currently zoned "SF-20" Single Family Residential and currently in agricultural use. Single-family residential lots, zoned "SF-5" Single Family Residential, are located directly north and east of the proposed annexation. Properties adjacent to the proposed annexation to the west and south are zoned "SF-20" Single Family Residential and are in agricultural use and are seeking annexation by the City of Wichita. The property to the west of the annexation area is to be developed as single family lots and zoned "SF-5" Single Family residential. The land the south of the proposed annexation does not currently have any development intentions.

Public Services: Sewer lines currently are in place along the east and north boundaries of the proposed annexation. Sewer service could be established to one of these lines but public laterals would most

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likely need to be extended into the area. City of Wichita water service is not currently available to the proposed annexation parcels without extension of water mains in 127th Street East along the western portion of the parcels. No City water main currently exists on or parallel to the property.

Street System: The subject property fronts on 127th Street East, currently a two-lane dirt county road. There are currently no plans for improvements to 127th Street East within a two-mile radius of the proposed annexation property identified in either the 2004-2013 City of Wichita Capital Improvement Program or the Sedgwick County Transportation Improvement Program.

Public Safety: Fire services to this site can be provided by the City of Wichita within a ten (10) to eleven (11) minute approximate response time from City Station No. 15 located at 7923 North Lincoln. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Parks: W. B. Harrison Park, a 40.15 acre park, is located approximately 2.5 miles northeast of the proposed annexation site. A greenway is proposed directly north of the proposed annexation area in the 1996 Parks and Open Space Master Plan.

School District: The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The proposed annexation property is owned by the Catholic Diocese of Wichita and is currently vacant, it is tax exempt and no tax revenues will be generated.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. (A04-07)

A04-08

A04-08-REQUEST BY TARA DEVELOPMENT INC. TO ANNEX LANDS GENERALLY LOCATED WEST OF 127TH STREET EAST, BETWEEN PAWNEE ROAD AND MT. VERNON ROAD. (DISTRICT II)

Agenda Report No. 04-0290

The City has received a request to annex 118.45 acres of land generally located west of 127th Street East, between Pawnee Road and Mt. Vernon Road. The annexation area abuts the City of Wichita to the north of the property. The proposed annexation area is currently in agricultural use. The majority of the proposed annexation is zoned "SF-20" Single Family Residential, with the southeast corner near the intersection of Pawnee and 127th zoned "LC" Limited Commercial. The applicant intends to develop the proposed annexation area as 330 single family residential units and 360,000 square feet of commercial/office developments.

Analysis: Land Use and Zoning: The proposed annexation consists of 111.19 acres of land currently zoned "SF-20" Single Family Residential and 7.26 acres zoned "LC" Limited Commercial. The proposed annexation area is currently in agricultural use. Single-family residential lots, zoned "SF-5" Single Family Residential, are located directly north of the proposed annexation. West of the proposed annexation are single family residential lots zoned "SF-20" Single Family Residential. Properties to the

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south of the proposed annexation are zoned "SF-20" Single Family Residential and in agricultural use. The properties to the east of the proposed annexation are zoned "SF-20" Single Family, are in agricultural use, and are currently requesting annexation. Neither property to the east currently have development plans.

Public Services: Sewer lines are adjacent to the identified area along the west and north boundaries of the proposed annexation. Service could be established to one of these sewer lines but public laterals would most likely need to be extended into the area. City of Wichita water service is currently unavailable without the extension of water mains in Tara Falls, Pawnee, or 127th Street East. No City water main currently exists on or parallel to the proposed annexation.

Street System: The subject property fronts on 127th Street East and Pawnee Street. To the east of the property, 127th Street East is a two-lane dirt county road. South of the proposed annexation, Pawnee Street is currently a two lane paved county road. There are currently no plans for improvements to 127th Street East within a two-mile radius of the proposed annexation property identified in either the 2004-2013 City of Wichita Capital Improvement Program or the Sedgwick County Transportation Improvement Program. Pawnee Street, between Greenwich and Webb Road, has been identified for improvements in the Wichita Capital Improvement Program in 2010. Pawnee Street is to be expanded to four lanes with curbs, gutters, and sidewalks.

Public Safety: Fire services to this site can be provided by the City of Wichita within a ten (10) to eleven (11) minute approximate response time from City Station No. 15 located at 7923 North Lincoln. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Parks: W. B. Harrison Park, a 40.15 acre park, is located approximately 2.5 miles northwest of the proposed annexation site. A greenway is proposed directly north of the proposed annexation area in the 1996 Parks and Open Space Master Plan.

School District: The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation area is \$22,620, with a total assessed value of \$2,601. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$82 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of development and the current mill levy. However, the property owner projects an overall appraised value of \$45,300,000 when development is completed, resulting in an assessed value of \$5,355,300. Assuming the current City levy remains about the same, this would roughly yield \$168,184 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. (A04-08)

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A04-09

**A04-09-REQUEST BY 24, LLC TO ANNEX LAND GENERALLY LOCATED TO THE
NORTHEAST OF THE INTERSECTION OF 127TH STREET EAST AND PAWNEE ROAD.
(DISTRICT II)**

Agenda Report No. 04-0291

The City has received a request to annex 19.32 acres of land generally located to the northeast of the intersection of 127th Street East and Pawnee Road. The annexation area abuts the City of Wichita to the north and east of the property. The proposed annexation area is currently in agricultural use and zoned "SF-20" Single Family Residential. At this time the applicant does not have any plans for the development of the proposed annexation. The annexation area includes an additional 3.88 acres comprised of all that portion of 127th Street from Pawnee extending one mile north to the current Wichita City limits.

Analysis: Land Use and Zoning: The proposed annexation consists of 19.32, with 12.3 acres zoned "SF-20" Single Family and 7.02 acres zoned "LC" Limited Commercial. The proposed annexation area is currently in agricultural use. Properties to the north and west of the proposed annexation area are currently in agricultural use, zoned "SF-5" Single Family Residential, and are requesting annexation by the City of Wichita. The owner of the properties directly north of the proposed annexation is seeking currently has no plans for development. To the west of the proposed annexation, the property owner intends to develop the property as single family lots and office/commercial uses with "SF-5" Single Family Residential and "LC" Limited Commercial zoning. To the east of the proposed annexation is the Sierra Hills golf course, zoned "SF-5" Single Family Residential and "NR" Neighborhood Retail.

Public Services: Sewer service is not currently available to the proposed annexation, as no sewer lines are adjacent to the property. In order to obtain sewer service the property would need to participate in the extension of public sewer. Water service is not currently available without extension of water main in 127th East. No City water main currently exists on or parallel to the property.

Street System: The subject property fronts on 127th Street East and Pawnee Street. To the west of the property, 127th Street East is a two-lane dirt county road. South of the proposed annexation, Pawnee Street is currently a two lane paved county road. There are currently no plans for improvements to 127th Street East within a two-mile radius of the proposed annexation property identified in either the 2004-2013 City of Wichita Capital Improvement Program or the Sedgwick County Transportation Improvement Program. Pawnee Street, between Greenwich and Webb Road, has been identified for improvements in the Wichita Capital Improvement Program in 2010. Pawnee Street is to be expanded to four lanes with curbs, gutters, and sidewalks.

Public Safety: Fire services to this site can be provided by the City of Wichita within a ten (10) to eleven (11) minute approximate response time from City Station No. 15 located at 7923 North Lincoln. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Parks: W. B. Harrison Park, a 40.15 acre park, is located approximately 2.5 miles northwest of the proposed annexation site. A greenway is proposed directly north of the proposed annexation area in the 1996 Parks and Open Space Master Plan.

School District: The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation area is \$2,450, with a total assessed value of \$282. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$9 in City annual tax revenues for the property. The future assessed value of this property will

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depend on the type and timing of development and the current mill levy. At this time there are no plans for the development of the proposed annexation.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance be placed on first reading.
Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. (A04-09)

A04-10

A04-10-REQUEST BY MR. SCOTT FORESTER TO ANNEX LAND GENERALLY LOCATED NEAR THE NORTHWEST CORNER OF THE INTERSECTION OF GREENWICH ROAD AND HARRY STREET. (DISTRICT II)

Agenda Report No. 04-0292

The City has received a request to annex 9.77 acres of land generally located near the northwest corner of the intersection of Greenwich Road and Harry Street. The annexation area abuts the City of Wichita to the south and west of the property. The proposed annexation area is currently zoned "SF-20" Single Family Residential, with low-rise office buildings operating on the land.

Analysis: Land Use and Zoning: The proposed annexation consists of 9.77 acres zoned "SF-20" Single Family, and currently occupied by low-rise office buildings. Directly north of the proposed annexation is land currently in residential use and zoned "SF-20" Single Family Residential zoning. To the east of the proposed annexation is property zoned "SF-20" Single Family Residential and in agricultural use. Lands to the south and west of the proposed annexation are currently in agricultural or residential uses and zoned "SF-5" Single Family Residential.

Public Services: The proposed annexation area is already receiving both water and sewer service from the City of Wichita through prior agreements.

Street System: The subject property fronts on Greenwich Road, currently a two plane paved road. The City of Wichita Capital Improvement Program 2004-2013 draft currently calls for Greenwich Road to be expanded into a five lane arterial roadway in 2008.

Public Safety: Fire services to this site can be provided by the City of Wichita within a seven (7) to eight (8) minute approximate response time from City Station No. 15 located at 7923 North Lincoln. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Parks: W. B. Harrison Park, a 40.15 acre park, is located approximately .5 miles west of the proposed annexation site. A greenway is proposed approximately .5 miles south of the proposed annexation area in the 1996 Parks and Open Space Master Plan.

School District: The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation area is \$66,330, with a total assessed value of \$16,583. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$521 in City annual tax revenues for the property. The future assessed value of this

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property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance be placed on first reading.
Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. (A04-10)

AIRPORT AGENDA

JABARA RUNWAY

AMENDMENT TO CONTRACT FOR CONSULTANT SERVICES FOR ACQUISITION AND RELOCATION: JABARA AIRPORT RUNWAY PROTECTION PROJECT AND MID-CONTINENT AIRPORT RUNWAY PROTECTION PROJECT.

Agenda Report No. 04-0293

On November 19, 2002, the City Council approved a contract for consultant services to assist in the acquisition of additional land north of Runway 18 at Jabara Airport for the Runway Projection Zone and Runway Approach Protection Zone. The consultant has successfully acquired the tracts specified in the original contract and relocated the occupants where necessary. These tasks utilized the entire \$15,000 authorized in the initial contract.

Subsequent to this contract, additional tracts were identified for acquisition at Jabara and for the Runway Protection Zone and Runway Approach Protection Zone for Runway 1R at Mid-Continent Airport and future airport development. There are three additional tracts to be acquired. The Federal Aviation Administration is participating in the acquisitions. Pursuant to their regulations, consultant contracts can be modified up to \$25,000 without seeking new proposals. AR-7 provides that if there is federal participation, the federal procedures are to be followed. The consultant, Land Acquisitions, Inc. has agreed to maintain the same per tract cost of \$1,600 per tract for these acquisitions.

The contract and amendment are based on an hourly basis with a maximum cost of \$1,600 per acquisition. The new tracts are unoccupied so there will be no relocations. The amendment calls for increasing the maximum amount payable under the contract to \$20,000.

Motion--
--carried

Mayans moved that the amendment to the contract be approved and the necessary signatures authorized.
Motion carried 7 to 0.

PARKING LOT

REMOTE PARKING LOT WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 04-0294

Approve the project budget and contract.

The 2004 Capital Improvements Program (CIP) provides for a Remote Parking Lot. Increased demand at the terminal paid parking lots required the addition of more paid parking.

The Staff Screening and Selection Committee interviewed three firms and selected Professional Engineering Consultants for the engineering services.

The design and bid contract with Professional Engineering Consultants is \$87,000. The project is estimated to cost \$1,525,000, and will provide approximately 460 additional parking stalls. The project will be funded with General Obligation Bonds, paid for with airport revenues.

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Motion--
--carried

Mayans moved that the Wichita Airport Authority approve the project budget and contract, the resolution be adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. A-04-001

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of the same, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RECESS

Motion --

Mayans moved that the City Council recess into Executive Session at 1:15 p.m. to consider: consultation with legal counsel on matters privileged in the Attorney-Client relationship relating to: pending litigation, potential litigation, legal advise and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 1:45 p.m., and reconvene in the City Council Chambers. Motion carried 7 to 0.

--carried

RECONVENED

The Council reconvened in the City Council Chambers at 1:45 p.m. and Mayor Mayans announced that no action was taken during Executive Session.

Motion--carried

Mayans moved to adjourn from Executive Session at 1:46 p.m. Motion carried 7 to 0.

Motion--carried

Mayans moved to adjourn from the regular meeting at 1:46 p.m. Motion carried 7 to 0.

ADJOURNMENT

The City Council meeting adjourned at 1:46 p.m.

Karen Schofield
City Clerk

Workshop to follow